

ORDINANCE NO. 1026

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING AND/OR ADOPTING THE FOLLOWING ARTICLES AND SECTIONS OF THE WESTWOOD CITY CODE: CHAPTER I, ARTICLE 2, SECTIONS 1-212, 1-213, 1-214 AND 1-215; CHAPTER I, ARTICLE 3, SECTIONS 1-306, 1-308, 1-309, 1-310, 1-311, 1-312, 1-313, 1-314, 1-315, 1-316, 1-317, 1-318, 1-319, AND 1-320; CHAPTER 1, ARTICLE 3A; CHAPTER I, ARTICLE 4; CHAPTER I, ARTICLE 5; CHAPTER 1, ARTICLE 6, SECTIONS 1-612, 1-613, 1-614 AND 1-615.

WHEREAS, the Governing Body finds it in the City's best interest to make changes to its Administration; and

WHEREAS, the Governing Body has held multiple work sessions to determine how best to structure its professional staff and the conduct of the business of the City;

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

SECTION 1: That Chapter I, Article 2, Sections 1-212, 1-213, 1-214 and 1-215 of the Westwood City Code are hereby amended to read as follows, all other Sections of Chapter I, Article 2 remaining unamended except as amended by charter ordinance no. 19:

- 1-212. COMMITTEES. The governing body may provide such standing or special committees as may be needed, and unless it shall otherwise determine, such committees shall be appointed by the mayor. (Ord. 1, Rule 21, Code 1970, 1-109; Ord. 733; Code 1993, 1-209)
- 1-213. INCORPORATING CODE OF PROCEDURE FOR KANSAS CITIES. There is hereby incorporated by reference for the purpose of establishing a code of procedure for the conduct of city council meetings of the City of Westwood, Kansas, that certain code known as the "Code of Procedure for Kansas Cities," Edition of 2004, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of said Code of Procedure for Kansas Cities shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Westwood, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. Changes to said Code shall include, but not be limited to, the change to the quorum requirement set out in Charter Ordinance 13. (Code 2008)
- 1-214. CODE OF ETHICS. (a) Declaration of Policy - The proper operation of our government requires that public officials and employees be independent,

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

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

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

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

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

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

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

(e) Conflict of Interest - No elected or appointive city official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of

officials and employees:

(1) Incompatible Employment - No elected or appointive city official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

(2) Disclosure of Confidential Information - No elected or appointive city official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.

(3) Gifts and Favors. - No elected or appointive city official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee (a) accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or (b) grant in the discharge of his or her duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (a) an occasional nonpecuniary gift, of only nominal value or (b) an award publicly presented in recognition of public service or (c) any gift which would have been offered or given to him or her if not an official or employee.

(4) Representing Private Interest Before City Agencies or Courts - No elected or appointive city official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interest before any agency of this city. He or she shall not represent private interests in any action or proceeding against the interest of the city in any litigation to which the city is a party.
(Code 2008)

1-215 Repealed.

SECTION 2: That Chapter I, Article 3, Sections 1-306, 1-308, 1-309, 1-310, 1-311, 1-312, 1-313, 1-314, 1-315, 1-316, 1-317, 1-318, 1-319, and 1-320 of the Westwood City Code are hereby amended to read as follows, all other Sections of Chapter I, Article 3 remaining unamended except as amended by charter ordinance no. 19:

1-306. TERM OF OFFICE. All appointive officers shall hold office for an indefinite term. (C.O. No. 9, Sec. 3; Code 1993, 1-305)

1-308. APPOINTMENT OR EMPLOYMENT IN MORE THAN ONE POSITION. The same person may be appointed to more than one appointive office, or employed in more than one department, except that the same person shall not be appointed to incompatible offices. Salaries or wages of such persons shall be prorated between the proper funds of the several offices or departments. (Code 2008)

1-309. CONFLICT OF INTEREST. (a) No city officer or employee shall be signatory upon, discuss in an official capacity, vote on any issue concerning or otherwise participate in his or her capacity as a public official or employee in the making of any contract with any person or business:

(1) In which the officer or employee owns a legal or equitable interest exceeding \$5,000 or five percent, whichever is less, individually, or collectively with his or her spouse; or

(2) From which the officer or employee receives, in the current or immediately preceding or succeeding calendar year, any salary, gratuity, other compensation or a contract for or promise or expectation of any such salary, gratuity or other compensation or remuneration having a dollar value of \$1,000 or more; or

(3) In which he or she shall hold the position of officer or director, irrespective of the amount of compensation received from or ownership held in the business.

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

(1) Contracts let after competitive bidding has been solicited by published notice; and

(2) Contracts for property or services for which the price or rate is fixed by law.

(K.S.A. 75-4301; Code 2008)

1-310 through 1-320 REPEALED.

SECTION 3: That Chapter 1, Article 3A, of the Westwood City Code is hereby amended to read as follows:

1-3A01. 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:

Oath: "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."

Affirmation: "I do solemnly, sincerely and truly declare and affirm that I will support the Constitution of the United States and of the State of Kansas and faithfully discharge the duties of _____ (enter name of office or position). This I do under the pains and penalties of perjury.

(K.S.A. 75-4308, 54-104, 54-106; Code 2008)

1-3A02. OATHS FILED. All officers and employees required to take and subscribe

orsign an oath or affirmation shall be supplied the forms for the purpose at the expense of the city and upon taking and subscribing or signing any such oath or affirmation, the same shall be filed with the city clerk. (Code 1983, 1-316)

1-3A03. SURETY BONDS; APPOINTIVE OFFICERS. The following appointive city officers shall each, before entering upon duties of their offices, give a good and sufficient surety company bond to the city, duly approved, conditioned upon the faithful performance and discharge of their respective duties, and for the proper application and payment of all money or property coming into his or her hands by virtue of his or her office, in the following amounts:

- (a) City treasurer - \$100,000;
- (b) City administrator - \$50,000;
- (c) City clerk - \$50,000;
- (d) Building official - \$50,000;
- (e) Municipal court clerk - \$50,000;.

(K.S.A. 15-208, 78-111; Ord. 2, Sec. 6; Ord. 674; Code 1983, 1-318)

1-3A04. SURETY BONDS; PREMIUMS. All premiums on surety bonds shall be paid by the city out of the general fund. (Code 1970, 1-304; Code 1993, 1-319)

1-3A05. SURETY BONDS; APPROVAL. All surety bonds given to the city shall be approved as to their form by the city attorney and as to their sufficiency by the governing body unless otherwise provided by the laws of the state. However, this provision shall not apply to appearance bonds for municipal court cases which have been ordered or approved by the judge and the municipal court.
(Code 1970, 1-305; Code 1993, 1-320)

1-3A06. SURETY BONDS; FILING. All surety bonds shall be filed with the city clerk except the city clerk's bond which shall be filed with the city treasurer.
(Code 1970, 1-306; Code 1993, 1-321)

1-3A07. BLANKET BOND. The governing body may provide for the coverage by blanket bond of such officers and employees and in such amounts as the governing body may, by resolution, designate.
(Code 1970, 1-307; Code 1993, 1-322)

1-3A08. REPEALED.

SECTION 4: That Chapter I, Article 4, of the Westwood City Code is hereby amended to read as follows:

1-401. AUTHORITY TO INVEST.

(a) Public moneys or funds of the city which are not immediately required for the purposes for which the moneys were collected or received, and the investment of which is not subject to or regulated by other Kansas General Laws, may be invested in all investments prescribed by K.S.A. 12-1675 and amendments thereto.

(b) The governing body shall, from time to time, adopt policies that will describe which investments may be purchased with temporarily idle funds of the city; provided, however, that no policy shall allow an investment that is contrary to the provisions of K.S.A. 12-1675 and amendments thereto or any other Kansas State Statute.

1-402. INCOME FROM INVESTMENTS. The interest and other earnings from investments made pursuant to this chapter shall be credited to the general fund of the city and shall be used, insofar as possible, to relieve the ad valorem tax levies of the city. A complete and detailed record of all investments made pursuant to this chapter shall be maintained at all times. The provisions of this section shall not apply where the credit and allocation is prohibited by state or federal statutes or law; provided, however, all interest earned from the investment of the solid waste management fund at the city shall be returned to the fund to reduce any special assessments to participants who receive solid waste collection service from the city.

1-403 through 1-408 REPEALED.

SECTION 5: That Chapter I, Article 5, of the Westwood City Code is hereby amended to read as follows:

1-501. PERSONNEL POLICIES AND GUIDELINES. The city will promulgate administratively a personnel policy, which shall be adopted by resolution and provided to all employees. (Code 2008)

1-502. SOCIAL SECURITY. Ordinance No.308 passed by the governing body of the city and signed by the mayor on January 12, 1961, which ordinance extends the benefits of the Social Security Act to the city employees of Westwood, is incorporated by reference herein and made a part thereof as if the same had been set out in full herein. (K.S.A. 40-2301:2307; Ord. 308; Code 1993, 1-501)

1-503. COMPENSATION. The salary ranges of employee held offices shall be fixed by Resolution and the compensation of nonemployee held offices shall be fixed by agreement. (Code 1983; Code 2008)

1-504 through 1-507 REPEALED.

SECTION 6: That Chapter 1, Article 6, Sections 1-612, 1-613, 1-614 and 1-615 of the Westwood City Code are hereby amended to read as follows, all other Sections of Chapter I, Article 6 remaining unamended:

1-612. FEES TO BE CHARGED. When a request has been made for inspection of any public record or any record to which the requestor may by law have access, a fee shall be charged as established by the Governing Body of the City of Westwood, Kansas. (Ord. 827, Sec. 1; Code 2008)

1-613. PREPAYMENT OF FEES. (a) A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

(b) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$50.00.

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

(Code 1993, 1-613; code 2008)

1-614. PAYMENT. All fees charged under this article shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for purposes of billing and payment, with the city. (Code 1993, 1-614)

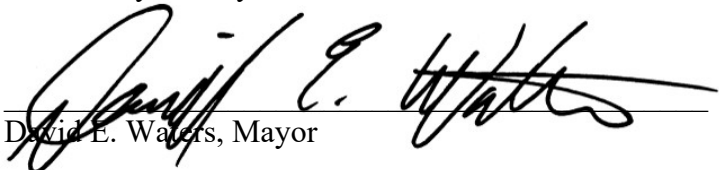
1-615 REPEALED.

SECTION 7: Any ordinances previously adopted which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 8: This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED by the Governing Body this 12th day of May, 2022.

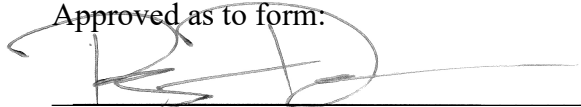
APPROVED by the Mayor this 12th day of May, 2022.


David E. Waters, Mayor

ATTEST:


Leslie Herring, City Clerk

Approved as to form:


Ryan B. Denk, City Attorney

