

ORDINANCE NO. 994

AN ORDINANCE PROVIDING FOR THE COMPENSATION AND JOB DUTIES OF CITY EMPLOYEES AMENDING WESTWOOD MUNICIPAL CODE SECTIONS 1-303 AND 1-311 AND REPEALING WESTWOOD MUNICIPAL CODE SECTIONS 1-311, 1-318, 1-319 AND 1-320 AND FURTHER AMENDING WESTWOOD MUNICIPAL CODE SECTIONS 1-307 AND 1-313 RELATING TO THE JOB DUTIES OF THE POSITIONS OF CITY CLERK AND CHIEF OF POLICE AND REPEALING ALL PROVISIONS OR PRIOR ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, Charter Ordinance No. 9 of the City of Westwood, Kansas provides that the Mayor with the consent of the Council, may appoint city officers including a municipal judge of the municipal court, a city clerk, a city treasurer, a city attorney, a chief of police, and such other officers as deemed necessary;

WHEREAS, Charter Ordinance No. 9 additionally provides that the duties and pay of the various officers shall be regulated by ordinance;

WHEREAS, K.S.A. § 15-204 provides that the Mayor, with the consent of the Council, may appoint city officers including a municipal judge of the municipal court, a clerk, a treasurer, a marshal-chief of police, law enforcement officers and such other officers as deemed necessary;

WHEREAS, K.S.A. § 15-204 additionally provides that the duties and pay of the various officers shall be regulated by ordinance;

WHEREAS, the Westwood Municipal Code ("WMC") at Section 1-303 relating to City employees provides at subsection (b) that the pay scales, amounts of all salaries, and wages shall be as prescribed by ordinance;

WHEREAS, the Governing Body of the City intends to have the compensation, including salaries, pay rates, pay and salary ranges for City employees to be established administratively by the Mayor, after consultation with the Administration and Compensation Committee, and adopts this ordinance to further this intention;

WHEREAS, the Westwood Municipal Code at Sections 1-311, 1-318, 1-319, and 1-320 establishes job duties for the positions of, respectively, Assistant City Clerk, Property Maintenance Official, Building Official and Municipal Court Clerk;

WHEREAS, it is the intent of the Governing Body that the positions of Assistant City Clerk, Property Maintenance Official, Building Official and Municipal Court Clerk are to be employees of the City and should not be deemed to be officers within the meaning of Charter Ordinance No. 9, K.S.A. § 15-204 and WMC 1-303, and that

accordingly the pay and job duties of such positions need not be prescribed by ordinance or within City Code;

WHEREAS, the Governing Body of the City intends to establish the job duties for all employees who are not officers of the City, including the positions of Assistant City Clerk, Property Maintenance Official, Building Official and Municipal Court Clerk, administratively by the Mayor through written job descriptions, after consultation with the Administration and Compensation Committee, and adopts this ordinance to further this intention;

WHEREAS, the Governing Body of the City additionally intends to allow for the establishment of such other and further job duties beyond those specifically prescribed by City Code for the public officer positions of City Clerk and Chief of Police as may be deemed appropriate by the Mayor administratively through the establishment of written job descriptions, following the Mayor's consultation with the Administration and Compensation Committee and accordingly deems it necessary to amend WMC Section 1-307 and 1-313 to further this intention.

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

Section One – Amendment of Westwood Municipal Code § 1-303. Westwood Municipal Code ("WMC") § 1-303 shall be amended to provide as follows,

"1-303. EMPLOYEES.

- (a) The mayor shall have authority to hire all other employees, or such authority may be delegated to the respective department heads.
- (b) Compensation of City employees shall be established by the Mayor. Prior to making any changes to the Compensation of any employee of the City, the Mayor shall consult with the Administration and Compensation Committee relating to the intended change in Compensation. For purposes of this section, the term "Compensation" shall include employee rates of pay, salary, pay rate ranges and salary ranges.
- (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.

- (d) The Mayor shall additionally have authority to establish written job descriptions for employees of the City. The Mayor shall consult with the Administration and Compensation Committee prior to making any changes in written job descriptions."

Section Two – Amendment of Westwood Municipal Code § 1-307. Westwood Municipal Code ("WMC") § 1-307 shall be amended to state as follows,

"1-307. CITY CLERK. The duties of the city clerk shall be as follows:

- (a) At all the meetings of the governing body, record the names of members present, and record the yeas and nays of the governing body on any matters voted upon;
- (b) Make and keep a record of all proceedings and meetings of the governing body in a minute book provided therefor by the governing body;
- (c) Have charge of the corporate seal of the city and shall be custodian of all city records;
- (d) Make a record of all ordinances passed by the governing body in an ordinance book provided by it, and shall cause all such ordinances to be published in the form directed by law;
- (e) File all notices of the publication of ordinances passed by the governing body and shall file all papers and records which shall be open to public inspection at reasonable times;
- (f) Keep a record of all licenses, permits, warrants drawn upon the treasurer of the city, receipts of the city, and expenditures of the city in a book provided by the governing body;
- (g) Keep a full and accurate account of the bonds issued by the city, recording them by number, date, amount of each individual bond, date of maturity, rate of interest, and date of cancellation in a book provided by the governing body;
- (h) Carry on all official correspondence of the city;
- (i) Provide for the collection of all money due the city keeping a record of the various funds into which the money is paid;

- (j) Keep a full account of all purchases and expenditures made by the city seeing that warrants for same are duly drawn upon proper funds;
- (k) Issue receipts for all money received by the city;
- (l) Make monthly reports to the governing body of receipts and expenditures of the city, stating the various funds so affected and the balance remaining in each of the several funds;
- (m) Have the power to take acknowledgments;
- (n) Receive, audit, and present all claims to the next governing body meeting following the time received;
- (o) Perform such other and further duties as may be established administratively by the Mayor after consultation with the Administration and Compensation Committee by a written job description."

Section Three - Amendment of Westwood Municipal Code § 1-311. Westwood Municipal Code ("WMC") § 1-311 shall be amended to state as follows,

"1-311. ASSISTANT CITY CLERK.

- (a) The mayor shall appoint, by and with the consent of the city council, the assistant city clerk.
- (b) Whenever a vacancy occurs in the position of city clerk and the city is without a person appointed, confirmed or qualified to hold that office, the assistant city clerk shall become the acting city clerk and fulfill the duties of that office.
- (c) Other than as provided for within this Section, the Assistant City Clerk shall not be an officer of the City."

Section Four - Amendment of Westwood Municipal Code § 1-313. Westwood Municipal Code ("WMC") § 1-313 shall be amended to state as follows,

"1-313. CHIEF OF POLICE. It shall be the duty of the chief of police to:

- (a) Keep all persons arrested in the city holding cell, county jail, or other places and to prevent their escape until proper bond can be secured, notice to appear issued and/or trial can be had before the proper officer;

- (b) Execute all processes issued by the municipal judge, and delivered to him or her for that purpose;
- (c) Prepare a daily duty schedule for the police department which shall cover all hours of service;
- (d) Hold staff meetings as warranted with all law enforcement personnel;
- (e) Be responsible for following a reasonable preventive maintenance schedule for the upkeep of the police vehicles; and for the regular servicing of such vehicles shall keep records;
- (f) Maintain a filing system for police department records and keep such records current;
- (g) Submit in writing to the Mayor a detailed report of any breach of police department policy or regulation committed by a law enforcement personnel along with recommendation for disciplinary action. Such report may be provided to the Public Safety Committee, subject to final consent by the Mayor;
- (h) Perform such other and further duties as may be established administratively by the Mayor after consultation with the Administration and Compensation Committee by a written job description"

Section Five – Repeal of Westwood Municipal Code § 1-318. Westwood Municipal Code ("WMC") § 1-318 is hereby repealed.

Section Six – Repeal of Westwood Municipal Code § 1-319. Westwood Municipal Code ("WMC") § 1-319 is hereby repealed.

Section Seven – Repeal of Westwood Municipal Code § 1-320. Westwood Municipal Code ("WMC") § 1-320 is hereby repealed.

Section Eight. The positions of Assistant City Clerk, Property Maintenance Official, Building Official and Municipal Court Clerk shall be employees of the City.

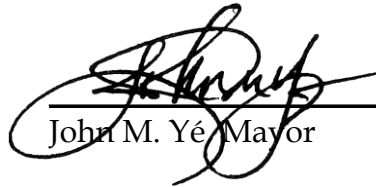
Section Nine. This ordinance shall take effect and be in force from and after its adoption and publication as required by law.

Section Ten. All provisions or prior ordinances inconsistent herewith are hereby repealed including, but not limited to, Ordinance #968.

APPROVED by the Governing Body of the City of Westwood this 11th day of October, 2018.



Attest:

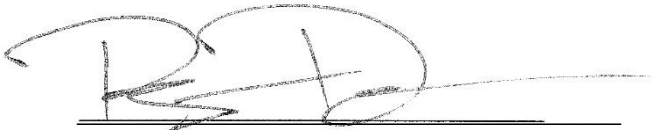


John M. Yé, Mayor



Frederick L. Sherman, City Clerk

Approved as to form:



Ryan Denk, City Attorney