# CITY OF WESTWOOD, KANSAS RESOLUTION NO. 93-2021

# A RESOLUTION OF THE CITY OF WESTWOOD, KANSAS, ADOPTING A GOVERNING BODY HANDBOOK.

**WHEREAS**, the City of Westwood desires to adopt a Governing Body Handbook for reference by Westwood elected officials in carrying out the duties of their offices;

WHEREAS, the provisions in this handbook aim to familiarize new elected officials with City processes, government structure and services, and the roles and responsibilities of City officials and staff; and

**WHEREAS**, this handbook is intended to be reviewed and updated from time to time by the City Council to ensure its continued benefit to the Mayor and members of the City Council.

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

**SECTION 1.** The City Council does hereby adopt a Governing Body Handbook attached hereto as Exhibit A and incorporated herein by reference in its entirety.

**SECTION 2.** The administrative officers of the City shall develop such further onboarding and orientation procedures and take such actions to implement this Resolution as may be reasonably necessary.

**SECTION 3.** The Resolution shall take effect upon its approval by the City Council.

ADOPTED by the Governing Body of the City of Westwood, Kansas, this 10th day of June, 2021.

ATTEST:

Leslie Herring, City Clerk

APPROVED AS TO FORM AND LEGALITY

Ryan B. Denk, City Attorney



# GOVERNING BODY HANDBOOK

Adopted by the Governing Body June 10, 2021

# Introduction

This manual is designed for the Governing Body and is particularly helpful for newly-elected or appointed Council members. It contains information about the structure of our City government and the role of the elected officials in that structure. The primary focus centers on the Council meeting, which is where the formal role of the Council member is exercised. Use this manual to learn how to perform your role as a member of the City's Governing Body.

This manual is to be used as a complement to the most recent version of the *Governing Body Handbook*, published by the League of Kansas Municipalities (LKM). General information regarding Kansas Law and other topics is contained in the League publication, although because the League serves more than 600 member cities having several different forms of governance, this Westwood-specific document is tailored to Westwood officials. If your questions cannot be found in this publication, contact the Mayor who will get your question answered.

Being an effective leader and member of a group of elected officials is not something which magically happens just because you are elected or appointed to office. Leadership and team skills must be learned. You will need to listen to the residents of the City and then work effectively with the rest of the Governing Body to achieve the goals for the entire City.

# **Getting Started**

#### So Now You're a Council Member

By their action at the polls, the people of your community have given you a vote of confidence and expressed faith in your ability to act in their best interest. As a newly elected or appointed member of the City Council, you may feel you still have a lot to learn about providing leadership and governing. But don't take yourself or the business of government so seriously that you don't enjoy it. It can and should be a fun as well as rewarding experience.

#### Your First Days on the Job

In December, newly elected officials are sworn in following the general election in November and receipt by the City Clerk of the Certificate of Canvass from the Johnson County Board of Commissioners. City Council meetings are normally held on the second Thursday of each month at 7:00 p.m. at City Hall, and special meetings and work sessions are held as necessary or appropriate.

New Council members may be overwhelmed at first by all they need to learn and the amount of time involved. Others are surprised to discover there are limits on their role in making decisions and setting policy.

# **Getting Oriented**

The first thing to do is attend the orientation sessions provided by City staff. During the sessions, the department managers will brief you on core services and current projects and provide a broad overview of the functions of the City. During this time the following topics will be covered and tours of key City facilities and introductions to key City staff will be provided:

- City access electronic communications and building access and guidelines
- Civics refresher how the City fits into the different levels and layers of government
- Westwood's form of government and general operations overview how we do what we do
- City budget the budget process and its role (the current City budget and past financial audits are available on the City's website)
- City Code the <u>City's municipal code</u> (<u>linked here</u>), <u>zoning regulations</u> (<u>linked here</u>), <u>comprehensive plan</u> (<u>linked here</u>) and the role of staff and the Planning Commission in this area
- Prevailing law overview review key elements of the <u>Kansas Open Meetings Act</u> (KOMA) and Kansas Open Records Act (KORA)
- Training and Resource Opportunities LKM Governing Body Handbook and course offerings; National Incident Management System (NIMS)/emergency management training; Mid-America Regional Council (MARC) committees, and many more

Take these opportunities to learn all you can about the City organization, its history, operations and financing. Take time to visit with the Mayor and other Council members to gain an insight into their perspectives and experience.

#### **Review Key Documents**

During the week of Council meetings (usually Tuesday), you will receive an agenda packet to read prior to the meeting. Don't be afraid to ask questions; you are not expected to know all the answers immediately. Find out about anything you need to know for a better understanding of City operations and issues facing the community. The information will come fast and furious, so don't worry about needing to go back to get clarification or a more in-depth explanation on any agenda items prior to the meeting.

#### **Legal Restrictions**

Keep in mind that our City's ordinances, as codified in our municipal code book, as well as other legally adopted regulations, such as the traffic code and zoning regulations, must be followed until the Governing Body takes action to amend them. If you are unsure of your responsibilities or authority in certain areas, seek clarification from the Mayor or City Attorney.

#### **Value and Respect Your Staff**

Recognize that the City has an experienced and professional staff and that these individuals are a valuable resource – treat them with respect and don't take them for granted.

Much of the staff have served the community for many years and have a valuable historical perspective which can help fill in the gaps for a new Council member.

# Take it Slowly

All elected officials come to their roles with priorities or initiatives they would like to see developed. That is good! However, balance that with humility, and resist the urge to forcefully push for drastic changes before you know how everything works. Many of the City's policies have evolved over years through trial and error. While some things may appear to need an overhaul, it pays to watch for a while before trying to change things. Don't seek change simply to do things differently! Give yourself some time to learn the fundamentals.

#### **Public and Private Sector Differences**

A word of caution...You may have run for office with the pledge to "run the City like a business." While there are similarities, there are some important differences between the public and private sectors that will become apparent as you get used to your new role. Here are just a few of those differences:

- Most of your work will be done in the public eye. Consequently, things move more slowly and take more time. The majority of deliberations of the Governing Body are done in public meetings, and most records are available to the public.
- City programs and facilities don't pay for themselves. We don't charge fees to cover all
  costs for programs and services. Most programs and services are offered as part of the
  quality of life of the community, which is why they are supported by tax dollars. Also, you
  want all members of the community to be able to participate and use the facilities, not
  just the wealthiest. The City has an obligation to all of its residents, regardless of their
  socio-economic level, to provide a high quality of life.
- The City is not a "for profit" organization. Taxes are levied in an amount adequate to provide for the needs of the community, not to make a profit.
- You can operate the City in a "business like" manner, but not like a business. Not all normal business principles apply to a municipality. We are governed by many state and federal laws which businesses are not required to follow.

• City projects and contracting often must go through a public bidding or proposal process. This takes time and sometimes costs more. The benefits are enhanced trust in the ethics of city officials and cost-savings in the long run.

## **General Information**

- Meetings. The City Council meets the 2<sup>nd</sup> Thursday of each month at 7:00 p.m., although some meeting dates are changed due to conflicts with holidays or other special events. Additional meetings include workshops on important or complex matters, or special meetings needed to take action on time-sensitive items. Special meetings can be called by either a department manager or Council member by contacting the Mayor to coordinate the agenda and timing for the meeting.
- Pay. City Council members receive a stipend of \$250/month for their service, established by City ordinance in Section 1-210 of the Westwood City Code. Because the Mayor's position includes more duties than the Council, a stipend of \$700/month is provided.
- Terms and Geographic Representation. The City of Westwood elects Council members and the Mayor at-large, meaning that the Council members and Mayor represent all areas of the City's established boundaries. Seats are filled using staggered four-year terms. Every two years, a City election is held, with three (3) Council seats being elected on one cycle and the other two (2) Council seats and the Mayor being elected on the other cycle. Council members and the Mayor serve four (4) year terms. Westwood elections are non-partisan, meaning candidates do not (and should not) represent any particular political party's platform.

# Form of Government

#### Form of Government in Westwood

Westwood operates under the Mayor-Council form of government, where the mayor is the chief administrative official, having the superintending control of all officers, including staff, and affairs of the City; and the Council has the authority to designate whether the administration of a policy or the carrying out of any order shall be performed by a committee, an appointive officer, or the mayor. If no administrative authority is designated it shall be vested in the mayor.

#### **Home Rule**

All cities in Kansas have *home rule* powers, the ability to govern themselves without direct involvement from the state. Home rule powers are conferred directly by the Kansas Constitution on all classes of cities. Cities exercise their home rule powers through passage of an ordinary ordinance or a charter ordinance.

Home rule power is not absolute. Cities must comply with state laws that apply uniformly to all cities and must conform to applicable federal laws and to the U.S. Constitution and the Kansas Constitution. In exercising home rule powers, cities may generally legislate on any subject other than those reserved to the exclusive jurisdiction of the legislature by the Home Rule Amendment itself, or where an ordinance would conflict with uniform superior state or federal laws.

#### **City Classification**

Cities in Kansas are designated by class based on the size of their population. Westwood is a City of the Third Class.

#### **Additional Related Information**

Additional information can be found in Chapter 1 of the *Governing Body Handbook*, published by the League of Kansas Municipalities, a copy of which is available at City Hall.

# **Role of Council Members**

The principal job of the City Council is to oversee the operations of the City. The Council performs this function by:

- Enacting ordinances, resolutions and policies;
- Establishing City fees;
- Approving the appointment of officers including the City Clerk, Police Chief, Treasurer, City Attorney, Municipal Judge, and others as specified by City Ordinance in Chapter 1 Article 3 of the Westwood City Code;
- Approving the appointment of members of the Planning Commission, the Westwood Foundation, and vacant Council seats;
- Directing the work of City staff and providing administrative oversight of the City's department managers;
- Reviewing and approving the annual budget, setting the tax rate and approving the financing of City operations; and
- Authorizing contracts to be executed on behalf of the City.

Council members must <u>work together</u> to provide policy decisions that benefit the community as a whole and provide quality service to all of the City's residents. Once the Council makes a decision, it becomes the entire Council's decision. If you are asked about the issue and do not wish to defend it, simply explain why the Council made the decision it did.

#### **Adopting Policy**

The Council does not make policy in a vacuum. The Council relies on input and ideas from many sources, including staff, advisory boards, residents, groups and others. It is the Council's

responsibility to consider the merits of each idea and then approve, modify or reject it. In doing so, Council members analyze community needs, program alternatives and available resources. The decision often takes the form of an ordinance or resolution, although it may be in the form of a simple motion.

# **Responding to Resident Complaints**

Residents often contact a Council member when they have a problem. You may also be approached by a resident, colleague, or even a friend about City operations, issues or service problems. Many times they approach you because they aren't aware that contacting City staff directly is appropriate. Help them understand this by acknowledging and redirecting them. You may say: "Yes, I can see that upset you. I apologize you had that experience. Have you shared this with the Mayor or department manager?" or "I don't have an answer for you right now, but let me look into it and get back with you."

If you personally take on the resident's request, contact the department manager who will direct the request to the appropriate staff person for resolution.

# Relationship with the City Attorney

The City Attorney's job is to provide legal advice and counsel to the City, which includes advising the entire Governing Body, staff, and boards and commissions. If you have been contacted by someone to appear as a witness in your capacity as a Council member or been served a legal notice in your capacity as a Council member, immediately contact the City Attorney.

It is best to ask your questions of the Mayor or department manager, who can answer most of them. If advice from the City Attorney is needed, that should be directed either through the Mayor or the responsible department manager. The City Attorney cannot provide legal advice on an individual basis, and any legal advice is for the entire City Council. Remember, the attorney's time is a City resource, so use it wisely.

# **Personnel Management**

The Governing Body approves the City's compensation plan and personnel policies. It also approves the appointment of certain city officials/staff, as specified by City Ordinance in Chapter 1 Article 3 of the Westwood City Code. All other personnel actions, unless specifically defined in the personnel policy, are the duty and responsibility of each department manager, under the oversight of their respective City Council Committee, who is responsible for the hiring, discipline, promotion, demotion and firing of City employees within their respective departments.

# **Roles of the Mayor, Council President & Committees**

# Mayor

The Mayor presides over City Council meetings, serves as spokesperson for the community, facilitates communication and understanding between elected officials, assists the City Council in setting goals and policies, serves as an ambassador and defender of the community, nominates persons to serve on boards and committees, and then appoints them after Council approval. The Mayor also makes proclamations and serves as a key representative in intergovernmental relations, including participation in intergovernmental or regional partnerships.

On ordinary ordinances and other matters, the Mayor votes only when the Council is evenly divided. The Mayor has the power to veto ordinary ordinances unless the Mayor has cast the deciding vote. The Mayor has signature authority only when so designated by the Council. Staff prepares documents for signature at City Hall.

#### **Council President**

The Council President is a serving Council member elected by the members of the City Council to serve in the temporary absence of the Mayor. The Council President presides at all Council meetings when the Mayor is absent and performs the ceremonial duties of the Mayor during the Mayor's absence. When occupying the place of the Mayor, the Council President has the same privileges as other Council members and shall exercise no veto.

When a vacancy occurs in the office of Mayor, the Council President shall succeed to the office until the next regular mayoral election.

#### **Council Committees**

The Westwood City Code provides for standing Council Committees. These Committees consist of two (2) members, with one member being the Chair and the other member being the vice-chair. The Committees are:

- Public Works;
- Public Safety;
- Parks and Recreation;
- Administration/Compensation;
- Neighborhood/Community and Business Affairs.

The Chair of each Committee determines the frequency and format of meetings and generally works with the Mayor and City staff to review and provide direction on topics that may or may not result in formal Council action at a regular City Council meeting. Typically, no binding action

is taken at Committee meetings, but Committees can recommend to the City Council action on topics that they have already reviewed. Committees can also provide direction to City staff to take action on topics already provided for by the adopted City budget or which the full City Council has provided general guidance on but on which the Committee is providing more detailed direction.

# **Council Meetings**

The Council meeting is the place to get the critical job of decision-making accomplished. A smoothly managed and productive Council meeting does not necessarily guarantee good results, but it certainly helps.

The Mayor's role is to chair the meeting. As the moderator, the Mayor helps facilitate the meeting while allowing full Council participation, maintains order and decorum, and sees that all motions are properly dealt with as they arise.

#### Agendas

The agenda is developed by the Mayor and department managers and disseminated to the Governing Body and the public before the meeting. The staff prepares a read-ahead packet of information that is normally posted on the City's website.

The read-ahead packet contains the agenda and supporting material for each agenda item. Every item is accompanied by a staff report which gives most if not all of the information in advance of the staff presentation at the meeting. If an item on the agenda is a large size or volume, such as a contract or plat document, the necessary information will be summarized in the agenda packet, and the actual document will be available for review in the City Clerk's office and at the meeting itself. Oftentimes, large documents are posted on the agenda webpage.

The Mayor or Council members can change the order of business or add/delete items the night of the meeting by majority acceptance from the Council at the beginning of the meeting.

#### **Executive Sessions**

Closed sessions are authorized by the Kansas Open Meetings Act (KOMA) after a formal motion has been made, seconded and carried to recess into executive session. Executive sessions may occur at any point during the meeting. No formal action of the City Council can be taken during an executive session.

The most common topics that can be discussed in executive session are:

- Personnel matters of non-elected personnel;
- Consultation with attorney on matters deemed to be of attorney-client privilege;
- Data relating to financial affairs or trade secrets of second parties;

- Preliminary discussions about acquisition of real estate; or
- Discussions concerning security matters.

The content and discourse of executive sessions are not to be told to anyone nor discussed outside the session, even with other Council members. Any official who knowingly violates KOMA is liable for payment of a civil penalty of up to \$500 if the action is brought by the Kansas Attorney General or the Johnson County District Attorney and may be sanctioned by the Governing Body. For more detailed information on KOMA, refer to the League's *Governing Body Handbook*.

# **Public Participation at Council Meetings**

The public evaluates the performance of its elected officials to a great extent by what happens at meetings. Many residents form their total opinions of the City government on the basis of having attended just one Council meeting. This is the time to impress the public favorably and show them that the Council is capable of doing its job.

### **Public Comments at Council Meetings**

The "Public Forum" period is a time slot set aside on the agenda for people to address the Council on any subject relevant to the City government, its policies, operations, or services. It is not to be confused with a public hearing, which is a formal proceeding conducted for the purpose of discussing a specific topic, such as the City budget.

Anyone wishing to address the Governing Body must speak from the podium (unless accommodations are needed due to disabilities, or if other arrangements are authorized) and introduce themselves. Comments may be limited in length.

While providing an opportunity to speak on any topic of concern, the Mayor is responsible for maintaining order and decorum and will not allow the speaker to make personal attacks or inflammatory comments. In many cases, the speaker will be directed to meet with staff to resolve the issue or get questions answered. If the speaker has documents they wish to share with the Governing Body that support their comments, they must also provide a copy to the City Clerk.

Other than asking a question to clarify a statement, members should refrain from entering into a dialogue with the speaker. This time on the agenda is not intended for a discussion between the Governing Body and the speaker and should not be used for that purpose. Also, if speakers engage in personal attacks on any member of the Governing Body or staff, it may be necessary for the Mayor to cut them off. Council members are expected to be polite to people appearing before them, but there is no requirement that they subject themselves to intimidation by rude speakers.

# Comments on Agenda Items during the Meeting

The City Council meeting is designed for the Governing Body to discuss and make decisions on the various issues on the agenda. Other than asking for clarification, discussion should be limited to members of the Governing Body. At no time will members of the audience be allowed to enter into the discussion from their seats in the audience. If recognized by the Mayor, they may be allowed to speak at the podium during the discussion if the Mayor believes their comments are germane to the topic and necessary or helpful for the Governing Body to continue its discussion or make a decision. Each speaker should only speak once unless clarification is requested by the Mayor.

If a planning item is on the agenda which had a public hearing as part of the process with the Planning Commission, the Mayor will not normally ask for public comment, as they had their opportunity to do so at the public hearing with the Planning Commission. The Governing Body will have minutes of that public hearing so they can take those comments into consideration during their deliberation. Comments are not normally allowed on an item due to the possibility of new information being presented outside the official public hearing which could open the door to potential litigation.

# **Public Hearings**

When an item requires a public hearing, by statute, the Mayor will open the public hearing and facilitate the hearing. Public comments can be made in a similar manner as the Public Comments agenda item. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Council to keep the meeting moving. Public hearings are held to gather data and opinions from those affected to facilitate decision making.

Public hearings also afford the public due process prior to key decisions by the Council (and boards and commissions). Due process requires that public hearings be fair, open, and impartial. Ex parte communications are communications received outside of the formal public hearing. To protect the due process rights of all, it is important that ex parte communications be disclosed and made a part of the record at the public hearing. Prejudgment of an issue is a denial of due process. It is essential that members of the Governing Body retain an open mind and a willingness to listen to all the evidence and make their ultimate decision as a result of the public hearing even if they have received information prior to the public hearing.

# **Meeting Tips**

# **Meeting Savvy**

Consider these pieces of advice when preparing for a meeting:

Read the material you have been given for the meeting. This will give you a good understanding of the issues and allow you to intelligently consider and discuss the issue.

- Don't try to please everyone. This simply does not work and makes you look weak and indecisive.
- Don't waste quality meeting time dealing with routine questions or complaints that can be resolved by staff outside the meeting.
- Alert the Mayor and the appropriate department manager before the meeting if you intend to bring up an important issue. This simple courtesy will help staff prepare background information and avoid embarrassment.
- If you disagree with a significant statement or proposal made by a colleague or staff member at a meeting, express the disagreement, in a respectful manner. Silence may be interpreted by staff as agreement, and they may take action based on that assumption.
- **Practice civility and decorum in discussion and debate**. Avoid personal comments that could offend other Council members, the Mayor, staff or the audience.
- Honor the role of the Chair. Council members should honor the role of the Chair to focus discussion on agenda items and ensure the meeting moves along in a reasonable manner. If there is disagreement about the agenda or Chair's actions, those actions should be voiced politely and with reason.

# How to Aid Discussion by Asking the Right Questions

Questions are one of the most important tools you can use to obtain information, focus the group and facilitate decision making. Here are some samples:

#### **Asking of Colleagues**

- What do you think about this item?
- What do you think the proposed action will accomplish?
- Would you please elaborate on your position?
- What results are we looking for?
- How does this fit into our priorities?

# **Asking Staff**

- What other alternatives did you consider?
- What are we trying to accomplish with this?
- What are the benefits and drawbacks?
- Will you please explain the process?

# **Asking of the Public**

- How will this proposal affect you?
- What are your concerns?
- What other ways can you suggest for solving the problem?

# **Preventing and Resolving Conflicts**

It is essential for Council members to understand their role and how it relates to the roles of the Mayor, staff, and other Council members. Many conflicts in City governments are the result of confusion as to these roles and the consequent overstepping of the boundaries between the respective roles.

# **Checklist for Monitoring Conduct**

#### **Media Relations**

The media is the conduit through which most City business and goings-on reach the public. As such, the news media and social media activity highly influence how the public perceives you and your actions. Elected officials who understand the important role of the media in building public trust and who take a proactive approach to local reporters can go a long way to build positive relationships. These relationships, in turn, are more likely to result in fair, accurate coverage.

# **Everyone Has a Role in Media Relations**

The Mayor will act as a spokesperson in most circumstances. Occasionally, the Mayor or the appropriate key staff will perform an interview. Nonetheless, every elected official should be

prepared to be approached by the media and be asked about questions surfacing on social media sites.

#### **Tips for Social Media**

- 1. Before posting, consider how your post might be perceived. Are you the best person to relay the information? Was your knowledge of the subject learned in executive session or a private meeting with City staff? If so, can you keep that information separate from information that should be shared with the public?
- 2. Sometimes identifying yourself as a Council member will result in complaints or questions about other topics being directed to you. Refer people to the appropriate City office for assistance (if you don't know, just advise them to call City Hall) or ask the Mayor for assistance in developing your response.
- 3. Engaging on social media can result in excessive back and forth, especially on complex topics. Consider suggesting a phone call or meeting to explain an issue and listen to concerns.
- 4. When you see a post to which you believe the City should contribute, email or call the department manager for assistance.
- 5. Consider using a disclaimer on your personal site such as "The posts on this site are my own and do not necessarily reflect the views of the City of Westwood."
- 6. Remember that social media posts and discussion could result in violations of KOMA.

# Tips to a Great Interview:

- Tell the truth.
- Be courteous and don't play favorites.
- Nothing is "off the record." Ever!
- Always assume that a microphone is live.
- Don't rely on, "No Comment." Try to say something, even if it's: "I'm sorry, but I cannot comment on pending legal matters."
- Never say anything you wouldn't want printed or broadcasted.
- Listen carefully to the reporter's questions. Pause...think...ask for more time if you need it.
- Don't repeat a reporter's negative question in your answer. Reframe the issue accurately.
- Do not speculate. Respond only to the question you've been asked. Avoid giving well-intentioned but inaccurate information.
- Get to know your reporters. Read their columns regularly. If you see a particularly good article, give the reporter a sincere and timely compliment. Mention the article by name or topic.
- If giving a telephone interview, go to a quiet room without distractions. When a question is asked, take a moment to collect your thoughts before responding.
- Use the "Five C's to Interview Success." Speak with conviction in a conversational manner while retaining your composure. Be confident and colorful.

• During times of crisis, citizens need to hear a calm, reassuring and well-prepared message. Do not speculate or guess about the situation. Give facts.

# **Planning Ahead**

An interview with the reporter will go better with some simple advanced planning. Ask what the topic and angle of the story is to be. You don't have to give an interview right away; you can ask for time to prepare. Also...

- Soundbites. Develop a short list of your main talking points, and put them into "soundbites" of 7 to 12 seconds each and repeat these key points several times during the interview. This will help the reporter hone in on the message and more easily format the interview for publication.
- Tough questions. Be prepared for difficult questions. Think, "If I were the reporter, what would I ask?" Then, instead of responding to a negative question, be prepared to turn the question to make the point you wish.
- Body language. Be aware of how body language can send a different message from the one intended. Practice appearing open and relaxed whenever you speak with a reporter. Look at yourself in the mirror. Are you rocking (on your feet or in a chair!), fiddling with jewelry or jingling coins in your pocket? All are distracting and make you appear unprofessional. Crossed arms may be interpreted as a defensive sign. Instead, assume the "soldier stance" with arms at your sides and feet slightly apart; relax and gesture naturally.
- What Not To Wear. When appearing on camera, put thought into your wardrobe. Dress conservatively, no stripes or busy designs. Do not wear white next to the skin; it washes you out. Wear colors that complement your skin tone, hair color, and personality. Solidcolored saturated blues and greens are best.
- Practice. Practicing in advance with someone close to you can put you at ease.