



CITY OF WESTWOOD, KANSAS
4700 RAINBOW BLVD.
WESTWOOD, KANSAS 66205

October 13, 2022

City Council Work Session: 6:00 PM
City Council Regular Meeting: 7:00 PM

Welcome to your Westwood City Council meeting. In an effort to mitigate the spread of COVID-19, this meeting may be attended remotely via Zoom:

Access Online:

<https://us02web.zoom.us/j/89908289796>

Access by Phone:

(312) 626-6799

Webinar ID: 899 0828 9796

CITY COUNCIL WORK SESSION AGENDA

[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]

I. CALL TO ORDER

II. WORK SESSION ITEMS/DISCUSSION OF UPCOMING MATTERS

A. Recommended Updates to:

1. Governing Body Handbook,
2. Financial and Purchasing Policy, and
3. Employee Handbook.

III. ADJOURNMENT TO REGULAR MEETING

REGULAR MEETING AGENDA

[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]

I. CALL TO ORDER

II. APPROVAL OF THE AGENDA

III. PUBLIC COMMENT

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda, or about items on the regular agenda for which the Governing Body, at its discretion, accepts public comment. Public comment should be limited to 2-3 minutes and, unless the topic of public comment is before the Governing Body as part of its agenda, no action will be taken by the Governing Body on public comment items. Please state your name and address for the record. Persons attending virtually online will be able to make public comment by using the "raise hand" function on Zoom.

IV. PRESENTATIONS AND PROCLAMATIONS

V. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion (roll call vote). There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. [Consider September 8, 2022 City Council Meeting Minutes](#)
- B. [Consider Appropriations Ordinance No. 743](#)

VI. MAYOR'S REPORT

VII. CITY COUNCILMEMBER REPORTS

VIII. STAFF REPORTS

- A. [Administrative Report \(City Clerk and Chief Administrative Officer Leslie Herring\)](#)
- B. [Public Works Report \(Public Works Director John Sullivan\)](#)
- C. [Police/Court Report \(Police Chief Curt Mansell\)](#)
- D. [City Treasurer Report \(City Treasurer Michelle Ryan\)](#)
- E. City Attorney Report (City Attorney Ryan Denk)

IX. OLD BUSINESS

X. NEW BUSINESS

- A. [Consider Ordinance No. 1031 adopting the 2022 Edition of the Standard Traffic Ordinance for Kansas Cities](#)
- B. [Consider Ordinance No. 1032 adopting the 2022 Edition of the Uniform Public Offense Code for Kansas Cities](#)
- C. [Consider Resolution No. 111-2022 Acknowledging and Supporting the KC Communities for All Ages and Mid-America Regional Council's Communities for All Ages Initiative](#)
- D. [Consider Master Services Agreement and Scopes of Work with CivicPlus for Website Design and Subscription and Municode Meetings](#)
- E. [Consider Agreement for Crossing Guard Services with All City Management Services Inc. for the 2022 – 2023 School Year](#)

XI. ANNOUNCEMENTS/GOVERNING BODY COMMENTS

XII. EXECUTIVE SESSION

XIII. ADJOURNMENT

UPCOMING MEETINGS

Regular meetings of the Westwood City Council are held at 7:00 PM on the second Thursday of each month. The next regular meeting of the Westwood City Council will be held Thursday, November 10th, at 7:00 PM at Westwood City Hall. The City Calendar may be accessed at www.westwoodks.org. To receive further updates and communications, please see or sign up for the following:

Westwood Buzz Email: <https://bit.ly/3wA4DWx>
Facebook: [City of Westwood Kansas-Government](#)
[Westwood, KS Police Department](#)

STAFF REPORT

Meeting Date: October 13, 2022

Staff Contact: Leslie Herring, City Administrator

Discussion Item: Recommended Updates to Various City Policies

Background/Description of Item

The Financial and Purchasing Policy, Governing Body Handbook, and Employee Handbook were adopted (amended in the case of the Employee Handbook) in March, June, and September of 2021, respectively. City staff recommends updated to these policies now for the following reasons:

- These policies were drafted in the context of the Mayor-Council form of government, prior to the establishment in the summer of 2022 of the City Administrator position for the City;
- Staff has noticed areas where additional provisions or clarity would be beneficial in the carrying out of everyday business; and
- In the midst of the increasingly competitive labor market, certain employee benefits should be revisited to maintain viability as an employer and to communicate to employees their value to the community and organization.

Staff Comments/Recommendation

Staff has prepared draft updates communicating the areas identified for amendment within the documents to respond to the reasons named above.

The following is a short summary of the most substantive changes recommended:

Financial and Purchasing Policy

- Provide for increased spending authority for City Administrator position
- Provide for pre-negotiated contracts within competitive bidding procedures
- Provide for sole-source procurement and establish criteria for its use
- Provide for the handling of change orders on contracts

Governing Body Handbook

- Edit the Form of Government section
- Edit the Role of Council Members section
- Remove Council Committees section

Employee Handbook

- Provide for the role of the City Administrator in relation to employees
- Add Juneteenth and the employee's birthday to the list of observed holidays
- Update Bereavement Leave section to be more supportive of diverse family structures
- Add Time in Service award to financially recognize employees for their tenure and longevity with the City

Suggested Motion

No action recommended. Direction sought by staff as to additional edits or changes to the edits as presented.



GOVERNING BODY HANDBOOK

Adopted-Amended 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 as 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 [City’s municipal code \(linked here\)](#), [zoning regulations \(linked here\)](#), [comprehensive plan \(linked here\)](#) and the role of staff and the Planning Commission in this area
- Prevailing law overview – review key elements of the [Kansas Open Meetings Act \(KOMA\)](#) and [Kansas Open Records Act \(KORA\)](#)
- Training and Resource Opportunities – LKM Governing Body ~~Handbook-Institute~~ 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 when you~~ needing to go back to get clarification or a more in-depth explanation on any agenda item(s) 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~~[City Administrator](#).

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 2nd 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~~ requested by a Council member by either ~~a department manager or Council member by~~ contacting the City Administrator or 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 with an appointed City Administrator, where the ~~mayor City Administrator is the chief administrative official, having the superintending control of all officers, including staff, and affairs of the City administers the affairs of the City under the direction of the Governing Body who sets policy for 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:

- Establishing the strategic direction of the City and its operations and service delivery
- Enacting ordinances, resolutions and policies;
- Providing oversight to ensure accurate and appropriate application of the City's Zoning Ordinance and City Code;
- Establishing City fees;
- Consenting to (subject to recommendation and final approval by the Mayor) the appointment of the City Administrator;
- Approving/Consenting to (upon recommendation by the City Administrator and approval by the Mayor) the appointment of certain officers including the:
 - City Clerk,
 - Police Chief,
 - Public Works Director
 - Treasurer,
 - City Attorney,
 - Municipal Judge,
 - City Prosecutor, 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~~ Directing and receiving audits of City operations and financials;
- Reviewing and approving the annual budget as prepared by the City Administrator, setting the tax rate and approving the financing of City operations; and
- Authorizing contracts to be executed on behalf of the City, pursuant to the provisions of the Financial and Purchasing Policy, adopted and as amended by Resolution of the Governing Body.

Council members must work together 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~~ City Administrator 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~~ City Administrator 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 have been served a legal notice in your capacity as a Council member, immediately contact the City Attorney with copy to the City Administrator.

Outside of a court subpoena, it is best to ask the City Administrator ~~your any legal~~ questions of the Mayor or department manager, who you may have, as they can answer most of them quickly and without added expense. If additional advice from the City Attorney is needed, that should be directed either through the City Administrator or 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 and is billed hourly, so use it wisely.

Personnel Management

The Governing Body approves the City's compensation plan (via the annual budget process) 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~~ the City Administrator, who is responsible for the hiring, discipline, promotion, demotion and firing of City employees ~~within their respective departments pursuant to the provisions of Chapter 1 of the City Code and the adopted Employee Handbook, as amended.~~

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~~City Administrator in consultation with the Mayor 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 **being made** 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

- ☐ Will my decision/statement/action violate the trust, rights or good will of others?
- ☐ What are the motives and spirit behind my actions?
- ☐ If I have to justify my conduct in public tomorrow, will I do so with pride?
- ☐ How would my conduct be evaluated by people whose integrity and character I respect?
- ☐ Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Is it just and morally right?
- ☐ Does my conduct give others a reason to trust me?

- ☐ Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear where I stand?
- ☐ Can I take legitimate pride in the way I conduct myself and the example I set?
- ☐ Do I listen and try to understand the views of others?
- ☐ Do I question different points of view in a constructive manner?
- ☐ Do I work to resolve differences and come to mutual agreement?
- ☐ Do I support others and show respect for their ideas?
- ☐ Will my conduct cause public embarrassment to someone else?

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. Solid-colored saturated blues and greens are best.
- Practice. Practicing in advance with someone close to you can put you at ease.



FINANCIAL AND PURCHASING POLICY

~~ADOPTED~~ AMENDED BY THE WESTWOOD CITY COUNCIL
March 11, 2021

Accounting, Auditing, and Financial Reporting Policy

- A. The City will establish and maintain accounting records in such a manner that reports may be issued on a basis consistent with statutory requirements.
- B. The City will maintain a record of fixed assets which identifies all material City assets, except for general infrastructure assets. General Infrastructure assets are assets such as streets and drainage facilities which, if properly maintained, have an indeterminate life.
- C. The City will contract for an annual audit of City accounting records. The audit shall be conducted in accordance with the Kansas Municipal Audit and Accounting Guide as well as the Federal Single Audit Act, if required.
- D. The City will comply with all financial reporting requirements set forth in Kansas law, including publishing annually, in January, the City's financial statements showing, by fund for the previous year: beginning and ending balances, receipts, and expenditures along with obligation/liability information.
- E. The City Treasurer will provide the City Council with a yearend summary (unaudited) financial report within 90 days of the end of the fiscal year. Monthly financial reports shall also be provided to the City Council within 20 days of the end of each month.
- ~~E.F.~~ The Governing Body will designate its depositories for public funds at least bi-annually (once every two years), which depositories shall meet the requirements of K.S.A. 9-1401, et. seq. as amended and K.S.A. 12-1675, et seq.-

General Accounting

Journal Entries

- A. Budgeted interfund transfers shall be planned in the annual budget submitted to the State and so approved by the City Council. Operationally, they shall be performed by the City ~~Clerk~~Administrator, reviewed by the City Treasurer, and approved by the City Council by appropriations ordinance in the month in which they occur. Every effort should be made to coordinate transfers between funds in December and June of each year.
- B. Coding/line item reclassifications shall be performed as needed by the City ~~Clerk~~Administrator and reviewed by the City Treasurer. These journal entries shall be reflected in the account and fund totals on the monthly Treasurer's Report as accepted by the City Council during the course of regular monthly business agendas.

Encumbrances

An employee or officer of the City may not obligate the City to make payment for goods, services or any other purpose, until it has been determined that funds are actually available in the proper account for the specific purpose (each department is responsible for determining the availability of

funds). As such, an encumbrance must occur prior to disbursement of funds. Once funds have been encumbered, they cannot be expended for anything other than what was authorized under the original encumbering authority.

Encumbrances are to be created by purchase order approved by Department Heads in alignment with the adopted purchasing policy, included in this document. Funds shall be disencumbered using the same authority and approval process from which they were originally created (i.e. upon request of the Department Head with approval of either the City ~~Clerk-Administrator~~ or the City Council, depending on purchasing authority outlined in the purchasing policy).

City departments may disencumber and re-encumber funds within the same fiscal year. Prior-year encumbered funds may not be increased but may be disencumbered by a City department. Exceptions to this rule are continuing appropriations (e.g. expenditures budgeted in funds outside the General Fund, which are carried forward to the next budget year) which may be increased or decreased. Prior-year disencumbered funds may only be reprogrammed by the Mayor and City Council. At the end of a fiscal year, all unencumbered funds will revert to General Fund balance carryforward (i.e. reserve balance).

If the funds are not disencumbered, they will continue to be regarded as obligated balances, thereby reducing the available unobligated account balances. Consequently, the timely disencumbrance of funds is necessary to reflect an accurate and updated status on the availability of funds. As a general rule, any encumbered funds that remain unspent by June 30th of each year shall be reverted to the General Fund balance carryforward (i.e. reserve balance). Material long-term contracts are exceptions to this rule.

Fund Management

Special Highway Fund

Purpose

To construct, reconstruct, alter, repair, and maintain the streets and highways of the city and for the payment of bonds, and interest thereon.

Statutory Authority

K.S.A. 12-1,119; K.S.A. 68-590; K.S.A. 79-3425c(c)

Establishing Ordinance

Unknown. State statute passed in 1987; no ordinance on file for Westwood.

Revenue Sources

- Motor Vehicle Fuel Tax/Special Highway Funds, received from the County on or after January 15, April 15, and October 15 of each year; and
- City Connecting Links/State Highway Maintenance distributions, received from the State on or after January 1, April 1, July 1, and October 1; State-established amount per lane mile for Rainbow Blvd. (approximately 3 miles).

Allowable Expenditures

- The construction, reconstruction, alteration, repair, and maintenance of streets, sidewalks, and highways
- Payment of bonds for such activities

Operational Management

Budgeting – Annual fund activity shall be shown on the state budget form of the City for the information of the taxpayers.

Coding – Expenditures for eligible projects should be coded to this Fund based on resource availability. Projects funded across multiple funds should be tracked by project number assigned by the City Clerk-Administrator so as to ensure comprehensive project accounting. City Connecting Links/State Highway Maintenance distributions are to only be utilized for construction, reconstruction, alteration, repair and maintenance on Rainbow Blvd. (US-169 Hwy) within the City of Westwood.

Transfers – Annual transfer from the Special Highway Fund to the Capital Improvement Fund budgeted to cover eligible project costs for planned/programmed projects.

Reserve Target – There is no reserve target for this fund.

(Special) Law Enforcement Trust Fund

Purpose

For deposit of proceeds of sale and any monies forfeited when the police department is involved in the investigation and seizure of illegal controlled substance activity.

Statutory Authority

K.S.A. 60-4117

Establishing Ordinance

732, approved February 9, 1989

Revenue Sources

- Any remaining proceeds of sales of property which is not required by law to be destroyed and which is not harmful to the public, and following disposition of proceeds in the manner set forth by state law pursuant to K.S.A. 60-4117(c).

Allowable Expenditures

Expenditures are allowed only upon approval of the Governing Body and for only the following purposes:

- Defraying costs of protracted or complex investigations;
- Providing additional technical equipment or expertise;
- Providing matching funds for federal grants; and
- Other law enforcement purposes deemed appropriate by the Governing Body.

Operational Management

Budgeting – This fund is not budgeted. Neither the Police Department nor Governing Body shall anticipate future forfeitures or proceeds therefrom in the adoption and approval of its annual budget.

Reporting – Pursuant to Westwood Ordinance No. 732, should there be proceed in this fund, a quarterly report shall be submitted by the Police Department to the Governing Body specifying the type and approximate value of any forfeited property received and the amount of any proceeds received. Pursuant to K.S.A. 60-4117(d)2, the Police Department shall submit annually a special law enforcement trust fund report to the State of Kansas and such report shall specify, for such period, the type and approximate value of the forfeited property received, the amount of any forfeiture proceeds received, and how any of those proceeds were expended.

Transfers – The Governing Body may transfer amounts not needed, by adoption of a resolution, to the originating fund. Transfers into this Fund may include the equivalent of the annual depreciation on any given piece of equipment necessary to replace the used item when necessary.

Reserve Target – There is no reserve target for this fund.

Equipment Reserve Fund

Purpose

To finance the acquisition of equipment.

Statutory Authority

K.S.A. 12-1,117

Establishing Ordinance

752, approved August 21, 1991

Revenue Sources

- Proceeds of sales of surplus equipment;
- Grant proceeds; and
- Budgeted transfers from:
 - General Fund.

Allowable Expenditures

New and replacement equipment, including:

- Machinery;
- Vehicles;
- Computer hardware and software; and
- Any other equipment or personal property which the City is authorized to purchase for municipal purposes.

Operational Management

Budgeting – Adopt a five (5) year Equipment Replacement Plan during the annual budget process. Annual fund activity shall be shown on the state budget form of the City for the information of the taxpayers. This is a non-budgeted fund and, as such, budget authority is not annually adopted.

Coding – Revenues and expenditures from this fund shall be tracked by operating department. Generally, equipment with less than a five (5) year usable life or with a current value of less than \$10,000 should be acquired through the City's operating budget.

Transfers – The Governing Body may transfer amounts not needed, by adoption of a resolution, to the originating fund. Transfers into this Fund may include the equivalent of the annual depreciation on any given piece of equipment necessary to replace the used item when necessary.

Reserve Target – The reserve target for this fund is a minimum of 30% of the following fiscal year's revenue.

Capital Improvements Fund

Purpose

To fund the City's adopted multi-year capital improvement plan (CIP), setting forth the public improvement and infrastructure needs of the City on a prioritized basis.

Statutory Authority

K.S.A. 12-1,118

Establishing Ordinance

935, approved August 15, 2013

Revenue Sources

- 10 year ½-cent special sales tax (October 2018 – September 2028);
- Budgeted transfers from:
 - General Fund,
 - Special Highway Fund (including City Connecting Links/State Highway Maintenance distributions), and
 - Stormwater Utility Fund – amount shall reflect stormwater related project expenses;
- Year-end interfund transfers from operating budgets as recommended by City staff to be applied to reserve balance
- Intergovernmental cost share/aid proceeds (e.g. Johnson County CARS, State of Kansas KLINK);
- Grant proceeds;
- Reimbursements from bond proceeds, when active; and
- Special assessments, when active.

Allowable Expenditures

- Repair, restoration, and rehabilitation of existing public facilities;
- Engineering and other advance public improvement plans and studies; and
- Cost of issuance of debt issues for capital projects.

Operational Management

Budgeting – Adopt a five (5) year Capital Improvement Plan during the annual budget process. This is a non-budgeted fund and, as such, budget authority is not annually adopted.

Coding – Revenues and expenditures from this fund shall be tracked by project.

Transfers – The Governing Body may transfer amounts not needed, by adoption of a resolution, to the originating fund.

Reserve Target – The reserve target for this fund is 30% of annual expenditures.

Stormwater Utility Fund

Purpose

To provide services to real property within the incorporated city limits through collection, conveyance, detention, retention, treatment, and release of stormwater.

Establishing Ordinance

Charter Ord. No. 16, approved June 13, 2013

Ord. No. 936, approved August 15, 2013

Revenue Sources

- Stormwater utility fee

Allowable Expenditures

- Costs of capital improvements to operate, construct, maintain, repair and replace the public stormwater management system;
- Administration of the stormwater utility, including payment of employee salaries;
- Debt service of the stormwater management system; and
- Payment of interest on outstanding bonds issued for construction or extension.

Statutory Authority:

K.S.A. 12-631; [K.S.A. 12-825d](#)

Operational Management

Budgeting – Adopt an operating budget for the stormwater utility during the annual budget process. Annual fund activity shall be shown on the state budget form of the City for the information of the taxpayers.

Coding – Street sweeping and annual leaf pickup program expenses, including related equipment costs, are coded directly to this fund.

Transfers – May be transferred and merged into the General Fund or any other fund or funds of such city.

Reserve Target – The reserve target for this fund is 15% of annual expenditures.

Woodside Tax Increment/Special Allocation Fund

Purpose

Payment or reimbursement of project costs as described and set forth in the Redevelopment Agreement.

Establishing Ordinance

947, March 13, 2014 (repealed by Ord. No. 949)

949, June 12, 2014

Revenue Sources

- 1.1% CID [1] sales tax (on sales generated within Woodside Village and Woodside Club); and
- 0.9% CID [2] sales tax (on sales generated within Woodside Club, only).

Pursuant to the Redevelopment Agreement, two separate, segregated accounts shall be maintained by the City Treasurer for the following revenue sources:

1. *100% of the City's Incremental Real Property Taxes shall be deposited into the Real Property Taxes Account within the Special Allocation Fund,*
 - a. Increment of property tax above base, established at \$848,874 in the 2013 redevelopment plan; and
2. *40% of the City's Incremental Sales Taxes shall be deposited into the Sales Tax Account within the Special Allocation Fund,*
 - a. 40% of the City's local sales tax increment generated within the project area for the full term that the redevelopment plan is in place; base sales approximated to be \$4,918,787 as of the year prior to adoption of 2013 redevelopment plan.
 - b. This sum is calculated based upon the sales and use tax collected from businesses within the TIF project area, and does not include the City's portion of county sales tax receipts, nor any active special sales tax, nor does it include CID sales tax receipts or receipts.
 - c. The remaining 60% of the City's Incremental Sales Taxes are the City's to use at its discretion.

Allowable Expenditures

- Reimbursable project costs detailed in the 2013 redevelopment plan include: sitework, parking, infrastructure construction, and interest;
- Repayment of bonds:

- Series 2014 SO Tax Increment (TIF) Revenue Bonds in the principal amount of \$3,150,000;
- Series 2014A & 2014B Community Improvement District (CID) Revenue Bonds in the principal amount of \$1,700,000; and

Payment of interest on the bonds.

Statutory Authority:

The Kansas Tax Increment Redevelopment Act, K.S.A. 12-1770 *et seq.*, as amended.

Operational Management

Budgeting – This Fund is not subject to statutory debt limitation or restriction and therefore does not need to be published on the state budget form.

Coding – Only expenditures to be coded to this Fund are disbursements to UMB.

Transfers – Annually, as a year-end transfer from the General Fund, the City Treasurer shall transfer 40% of the City’s local sales tax increment generated within the project area for the full term that the redevelopment plan is in place; base sales approximated to be \$4,918,787 as of the year prior to adoption of 2013 redevelopment plan. These tax proceeds are then disbursed to the bond holder.

Reserve Target – There is no reserve target for this fund.

Expiration – Except for CID Sales Taxes as set forth in the Redevelopment Agreement, no Real Property Taxes or Sales Taxes shall be collected within the Special Allocation Fund after that date which is twenty (20) years from the date of the approval of the Redevelopment Project Plan by the City Council.

Bond & Interest Fund/Debt Service Reserve Fund

Purpose

To repay the City’s general obligation debt as well as capital lease purchase payments.

Statutory Authority

K.S.A. 10-113

Establishing Ordinance

Resolution No. 79-2020

Revenue Sources

- ½ mill, deposited directly; and
- Budgeted transfers from:
 - General Fund,
 - Capital Improvement Fund, and
 - Stormwater Utility Fund (amount shall reflect stormwater related project expenses).

Allowable Expenditures

- Interest and principal on lease purchase agreements
- Interest and principal on bond payments for public capital projects

Operational Management

Budgeting – Annual fund activity shall be shown on the state budget form of the City for the information of the taxpayers.

- Coding – Following the establishment of a sales tax trend, a corresponding amount of sales tax should be directly deposited into the debt service fund from the State.

Transfers – Annual transfer from the Capital Improvement Fund and Stormwater Utility Fund budgeted to cover debt payments. Should the City Council wish to pay down a debt issuance more expediently, annual transfers should be adjusted during budget adoption to pay down additional principle or interest.

Reserve Target – There is no reserve target for this fund. The fund should be budgeted to cover budgeted expenditures only, to enable flexibility of City resources.

Debt Management Policy

- A. The City will confine long-term borrowing to capital improvements which have an extended service life to the community, or to the acquisition of real property in situations where the City Council believes the acquisition of that property to be advantageous for purposes of carrying out objectives of the City's strategic plan.
- B. The City may use short-term debt (up to four years maturity) for bond anticipation purposes, or for the purposes of financing capital improvements for which it is not practicable to rely on cash financing, and for which long term debt is not deemed to be appropriate. Upon maturity of temporary notes, they should either be rolled into a longer term bond issuance or otherwise paid off.
- C. The City will follow a policy of full disclosure on every financial report and preliminary or official statement used to evaluate the City's financial condition for bond rating or investment purposes.
- D. General Obligation debt may be used for enterprise activities (including stormwater improvements), providing the specific enterprise fund makes the debt service payments on the bonds.
- E. General Obligation Bonds (City at-large portion) will normally be issued with a maturity similar to the life of the project funded not to exceed 20 years. The District portion for Special Assessment Bonds may not exceed the life of the GO Bond. Revenue Bonds or GO bonds for which enterprise revenue has been pledged, will be issued with a maturity not to exceed 40 years.

- F. General Obligation Bonds shall be issued with approximately level principal payments. Revenue Bonds shall be issued with approximately level debt service payments.
- G. The City will review the necessity of an application for a bond rating for every bond issue, and make all reasonable efforts necessary to maintain the City's bond ratings and seek upgrades when financial conditions merit.

The limit to debt issued by the city is equal to 30% of the total equalized assessed tangible valuation of the City.

Purchasing Policy

Purposes

- A. Encourage procurement of goods and services for use by the City of Westwood on the basis of the best necessary quality at the least cost (best value).
- B. Provide for ready availability of goods and services to support timely and effective service delivery, with a minimum of cumbersome procedure.
- C. Maintain a competitive private sector purchasing environment for the City of Westwood.
- D. Provide for appropriate budgetary control and financial oversight of the procurement process.

General

- A. In the interests of eliminating delays in service provision, the City will use a de-centralized purchasing system by which individual departments may make operational purchases independent of a central designated procurement coordinator, subject to the control of this policy, and, within that, at the discretion of the Department Head.
- B. Departments of the City are encouraged and expected to coordinate the purchase of similar items. Bulk or large quantity purchasing is encouraged in those areas where storage space is available, and inventory can be controlled.
- C. Any single purchases made in excess of \$500 are to have prior authorization of the Department Head and are subject to the further general oversight of the City ~~Clerk~~Administrator. The Department Head's signature on the invoice, purchase order, or vendor quote shall be considered as an affirmative statement that they have reviewed all items on such purchasing commitment. As such, the invoice, purchase order, or vendor quote is required to be signed by the Department Head in all cases. Staff involved in purchasing is expected to use common sense and good judgment in the application of these guidelines.
- D. All goods must be verified as received prior to processing purchase orders for payment. Packing slips or sales receipts which are received and sent to the Department Head are regarded as acknowledgment that the goods were received. The Department Heads

submittal of the invoice or purchase order is an affirmative statement that the goods or services were properly ordered and received for City services.

- E. Goods and services purchased by the City are intended to provide services to the public. Diversion of materials or services purchased by the City to personal or private use (without public purpose) is considered to be misuse and will result in administrative and/or criminal justice system consequences.
- F. Where departments are spending federal grant money federal purchasing policies may supersede these policies. It is an expectation that departments maintain an awareness of when this is necessary.

Operational Purchasing

Purchases totaling less than \$500, needed in the routine course of work may be made by employees subject to the discretion and review of Department Heads. Purchases of more than \$500 but less than \$5,000 may be authorized by the Department Head.

Staff is encouraged to use informal quotes or written competitive bidding for supplies or materials acquired in bulk, or whenever appropriate in their best judgment. If taken, a tabulation of quotes shall be attached to the invoice or purchase order.

Purchases of items, material, or services less than \$5,000 in value, or when purchases of groups of items exceed \$5,000 in value, which items are of a routine operational nature and are regularly purchased by the Department, may be made by the Department Head subject to final approval by the City Administrator, without prior approval of the City Council. This specifically excludes equipment purchases or purchases that are not routine needs of the Department.

Purchases of items, material, or services less than \$25,000 in value, or when purchases of groups of items exceed \$25,000 in value, which items are of a routine operational nature and are regularly purchased by the Department, may be made by the City Administrator, without prior approval of the City Council.

For unavoidable emergency repairs to equipment, that were not planned nor expected and exceed \$5,000 in value, Department Heads may approve such expenditures but such expenditures shall be also approved by the City Administrator and noted on the monthly Treasurer's Report for the month the emergency expenditure occurred and a full explanation of the circumstances of such emergency shall be documented in the minutes of the City Council Meeting and in the General Ledger for auditing purposes.

Non-routine, non-budgeted purchases over \$25,000 shall require the prior approval of the City Council.

Competitive Bidding

For purchases more than \$510,000 but less than \$100,000, written competitive bids or price quotations are required, except in the case where a pre-negotiated contract through another governmental agency for the product or service exists. Normally, a minimum of three (3) quotes

should be solicited. A quote tabulation should be attached to the invoice or purchase order. These purchases shall be requested by Department Heads and contracts and purchase orders are to be approved by City Council.

Sole-sourced procurement is allowed when requested by a Department Head and -determined in writing to the City Administrator that the purchase meets the following conditions:

- A. Supplies or services are proprietary and only available from the manufacturer or a single distributor;
- B. Based on past procurement experience, it is determined that only one (1) distributor services the region in which the supplies are needed;
- C. Supplies or services are available at a discount from a single distributor for a limited period of time; or
- D. A firm has significant previous or specialized knowledge on a proposed project that would result in significant monetary and/or time savings in completion of the project.

Sole source purchases shall be subject to approval as follows:

- \$.01 – \$9,999.99: Department Head prior to purchase.
- \$10,000.00 - \$24,999.99: City Administrator prior to purchase, with written recommendation from the above.
- \$25,000.00 and over: City Council prior to purchase with written recommendation from the above.

Capital items that are specifically scheduled in the annual budget, and for which the cost exceeds \$100,000, shall be awarded by the City Council only after a closed bid process. The City Clerk shall solicit and receive closed bids in coordination with the Department Head.

Contracts for professional services, or similar services or items of a nature which render development of detailed specifications difficult or impossible; may be procured through the use of Requests for Proposals and negotiation of those proposals. The City Council may choose to award contracts procured by Request for Proposal based on qualifications rather than price alone.

Public works contracts exceeding \$100,000 shall be properly bonded. A surety bond shall be received from the contractor in a sum of not less than the sum total in the contract conditioned that such contractor shall pay all indebtedness incurred for labor, materials, equipment, or supplies consumed in the construction described in the contract.

Competitive bidding requirements may be satisfied through City participation in cooperative purchasing relationships which utilize competitive bidding.

Non-Competitive Bidding

Non-competitive bidding can be used when 1) The use of competitive bidding is not feasible, such as only one source is available, 2) There is a public emergency, or 3) The results of competitive bidding are inadequate.

- A. The scope of the proposed goods and/or services shall be defined as in competitive bidding. The scope will include the proposed goods and/or services, time frame, terms of compensation as defined by the City.
- B. The contract will be approved by City Council prior to executing a formal contract including bonds, if applicable. All unsuccessful bidders will be notified in writing with copies of the documentation retained in the City's files.

Change Orders

In the case of change orders on contracted purchases or projects, change orders up to 10% of the contract amount may be approved by the City Administrator upon request by the Department Head.

Purchasing Card Policy

Recordkeeping

In order to facilitate prompt payment on the account it is important that employees obtain appropriate documentation for purchases made with a purchasing card. Acceptable forms of documentation are:

- A. Itemized suppliers sales receipt.
- B. Charge slip with itemized description of the products purchased.

In any case, the documentation should clearly provide a description of the items purchased, in plain language. If it does not, the employee making the purchase should make a note describing the purchase. If needed, direction on this can be obtained from departmental supervisory staff.

Each employee cardholder will be responsible for submitting a detailed receipt for every purchase made on their card during the billing cycle. If a receipt is missing it will be the supervisor and/or employee's responsibility to locate the receipt or obtain a copy of the receipt. In the case no receipt copy is attainable, the employee who made the purchase should create a document describing the details of the purchase, which document shall be reviewed and approved by the Department Head. It is also the responsibility of the employee to ensure sales tax is not applied to the purchase on applicable sales within the state of Kansas.

Reconciling Statements

Purchasing card statements are to be reconciled to the detailed purchase records first by the employee to whom the purchasing card is issued and reviewed and approved by the Department Head before payment can be made. It is the card user's responsibility to obtain documentation for each purchase and to submit the same to the Department Head.

The Department Head is responsible for gathering that information and for presenting it to the City ~~Clerk~~Administrator for reconciling it to the monthly statement.

Card Security

Each employee is responsible for the card provided to them. Any lost or misplaced cards must be reported to the Department Head immediately. The Department Head will report the lost or misplaced cards to the City ~~Clerk~~Administrator.

The card is to be used for business expenditures only.

Purchases made with the card must comply with the other requirements of the City purchasing policy.

Balance Limits

The cards have been issued with initial balance limits of \$6,500. Employees that are aware that the balance is going to exceed the limit should notify the Department Head. The Department Head will contact the City ~~Clerk~~Administrator to discuss obtaining a higher limit.

Changes in Staff

When an employee resigns or is otherwise separated from employment with the City of Westwood, cards in their care must be accounted for before the final paycheck is issued, as is the case with other City property.

Audit

The Department Head is responsible for ensuring that the required documentation is obtained and on file for each purchase. It is critical that any users of the card obtain sales receipts specifically identifying the nature of the purchase.

ACH Transactions and Wire Transfers

The City receives receipts and makes disbursements electronically, either through the ACH or wire transfer systems. These transactions may be initiated either by the City or by others.

For non-typical City-initiated transactions over \$100,000 in value, the City ~~Clerk~~Administrator is responsible for creating the transaction and the City Treasurer is responsible for reviewing and approving such transaction prior to final disbursement.

In the case of ACH transactions and wire transfers initiated by others, it is normally (but not always) the practice for the initiating party to provide notice of the impending transaction.

All transactions are initiated by the City ~~Clerk~~Administrator. Transactions initiated by outside agencies are done only upon some form of prior authorization (payroll reporting, sales tax return, etc.). Detailed documentation supporting the transactions is to be retained in the City Clerk's office.

Electronic transactions of this nature include:

- A. State provided revenue receipts (Sales Tax, Property Tax, Alcohol Tax, etc.). Notice for these are typically provided to the City ~~Clerk~~Administrator, who will forward the notice to the City Clerk's receipting station to be entered as a receipt.
- B. Interest earnings.
- C. Grant proceeds from some State and Federal Agencies.

End of month procedure

Reconciliation should be completed monthly by the City Treasurer, with final approval by the City ~~Clerk~~Administrator. In order to accomplish that, the following will need to happen:

- A. When the bank statement is first available, the City Treasurer will verify the credit card receipts against the statement.
- B. Interest income on the bank statement will be processed as a journal entry through the General Ledger. These entries will be approved by the City ~~Clerk~~Administrator.
- C. The City ~~Clerk~~Administrator will review the bank statements, and make any supplemental entries that are necessary or that have been missed during the month.
- D. Assemble the statements from the bank and the Investments report.
- E. The City ~~Clerk~~Administrator will run a balance sheet for cash only and an outstanding transaction register from the financial software. The total of these reports must equal the total of the bank statements.

The following reports and information will be maintained as documentation:

- A. The final reconciliation report
- B. The bank statements
- C. The computer-generated Treasurer's Report
- D. The outstanding check register
- E. Distribution Notices from the State of Kansas, Johnson County, or other taxing jurisdictions
- F. Voided checks
- G. Insufficient fund notifications

City of Westwood Employee Handbook



~~Adopted September 9, 2021~~

Amended _____

EMPLOYEE HANDBOOK

The Employee Handbook (“Handbook”) of the City of Westwood, Kansas (the “City”) is intended to serve as the platform for the development of an effective employee relations program which is consistent with federal, state and local laws, to provide guidance to employees working to achieve personal and organizational objectives, and to be applied with fairness to all employees and without discrimination on the basis of any legally protected status.

The Handbook is intended for use by City employees as a general guide to their employment with the City. If any conflict between this Handbook and federal law, state law, and/or the Municipal Code of Westwood (the “Code”) exists, the applicable legal standards or the Code will control.

Employment with the City is “at will.” This means employment is for no definite time period and may be terminated at any time by the City or by an employee, with or without cause. Further, no Department Manager or other employee of the City has the authority to enter into an agreement for employment for any specified period of time or to make any agreement contrary to the policies approved by the Governing Body. Only the Governing Body has the authority to make such an agreement if it is in a writing signed by an authorized designee of the Governing Body and the employee.

Nothing in this Handbook is to be construed as creating a contract, an expectation of continued employment, or a protected property interest in an employee’s position. The terms and provisions of this Handbook may be changed, altered, amended or deleted at any time, with or without notice, in the sole discretion of the Governing Body, as circumstances warrant.



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GENERAL PROVISIONS

1.1 APPLICATION OF PERSONNEL POLICIES

The personnel policies contained in this Handbook apply uniformly to all persons employed by the City, except as specifically stated herein.

1.2 EMPLOYMENT RELATIONSHIP

All employment by and with the City is employment-at-will, subject to termination at anytime, with or without cause. No person shall be considered to have tenured employment with the City or any expectation of continued employment. The procedures and guidelines established by these policies shall not constitute nor be considered as an employment contract. Nothing herein shall be construed as creating a protected property interest in employment with the City.

1.3 PROCEDURAL CHANGES

The City Council may implement procedural changes at their discretion, when in the best interests of the City.

1.4 GENERAL DEFINITIONS

Alcohol or alcoholic beverage: Any beverage that has any alcoholic content.

Conference days: The day the conference begins, the day the conference ends and any days in between on which conference activities occur.

Department Manager: An employee who is in the position of ~~Chief Administrative Officer/City Clerk~~City Administrator, Chief of Police, Public Works Director, or the designee of such positions.

Domestic partner: An individual to whom the employee has made an affirmative commitment similar to the nature of marriage, but in which the employee and his or her “partner” have not entered into a legally binding marriage.

Drug: Any substance other than alcohol capable of altering the mood, perception, pain level, or judgment of the individual consuming it.

Employee(s): A person appointed or hired for a position to perform work for the City whether on a seasonal, full-time, part time basis or appointed basis. The term employee refers to both male and female employees.

Immediate family member: An individual defined as a parent, child, spouse, domestic partner, brother, sister, grandparent, in-law, or any blood relative residing in the employee’s home.

Illegal Drug and/or Prohibited, Controlled Substances: Any drug or controlled substance for which the sale, possession, distribution, or consumption is illegal under federal or state law



(including, but not limited to, K.S.A. 65-4101 et seq., as it may be amended from time to time)
This includes, but is not limited to, inhalants and other agents not intended for consumption.

Inhalants: Items as defined by state statute.

Medical reserve leave: Paid medical leave accumulated in excess of the cap established by this Policy. This leave may only be used for a serious health condition of the employee and is not eligible for payout upon separation from the City.

Metropolitan area: The Kansas City metropolitan area served by the Mid-America Regional Council (MARC).

Retirement: The cessation of employment after an employee qualifies for and takes an age and service-based retirement with either KPERS or KP&F after such employee's accrual of such age and years of service entitling the employee to a full pension benefit. This term shall not include early retirement or taking of disability leave under KPERS or KP&F.

Supervisor(s): An employee's Department Manager, the Department Manager's designee or direct supervisor.

Travel days: For per diem calculation purposes when traveling by air, travel time is defined as beginning one hour prior to departure and one hour after returning to KCI.

Working day: A day on which the employee is scheduled to work or on which the City Clerk's Office is open to the public.

Workplace Accident: Any accident resulting in injury to self, and/or involvement in an accident which results in injury of another individual and/or property damage.

1.5 DEFINITIONS OF EMPLOYMENT STATUS

The City will maintain standard definitions of employment status and will classify employees for purposes of personnel administration and related payroll transactions in accordance with the following definitions.

Appointed – certain positions within the City appointed by the Mayor with consent of the Governing Body as required by ordinance – some appointed positions are full-time employees and others are “officers” as defined by City Code.

Commissioned – employees who have been granted the right to carry a firearm as part of his/her job duties.

Elected – individuals who are chosen by the citizens of Westwood to serve as members of the Governing Body or who are appointed to fill a vacancy. Elected individuals are not employees of the City.

Full-time (regular status) – employees regularly scheduled on an annual basis to work thirty (30) hours in a work week. This status is achieved by the successful completion of the introductory period as acknowledged by the Department Manager.



Full-time introductory - following initial employment each employee shall complete a six-month introductory period, except for Police Officers whose introductory period is twelve months. The City may extend the introductory period for a new employee at its discretion.

Part-time – employees regularly scheduled on an annual basis to work less than thirty (30) hours per week.

Seasonal – employees hired to meet seasonal work demands in positions scheduled for a period of time less than one budget year with the anticipated date of termination known prior to commencement of employment; employees in this category cannot work for the City more than 999 hours during a calendar year.

Temporary – employees who are: (1) hired to perform intermittent tasks; or (2) performing duties that are created as a result of a project or program of limited duration.

1.6 PERSONNEL RECORDS AND PRIVACY

All requests for information, whether in person, by phone, or in writing, about current or former employees, regardless of the nature of the request, must be referred to the City Clerk Administrator for a response. The only exception to this provision is in the Police Department when a signed official waiver is presented to the department from another duly authorized law enforcement agency conducting a background check. This exception applies to any current or former employee of the Police Department. No other employee may provide information about a current or former employee unless authorized by the City Clerk Administrator, Mayor or their designee. If an employee violates this policy, he/she will be subject to discipline, up to and including termination.

Personnel Files

Access to personnel files is restricted to the City Clerk Administrator, who acts as records custodian, or authorized employees or agents of the City on a “need to know” basis. The City Clerk Administrator is the official records custodian for the City and maintains the official personnel files of all employees. Any documents relating to personnel including but not limited to: hiring, employee performance, work history, background checks, compensation, medical records (including drug and alcohol screenings), and documents pertaining to employee investigations and disciplinary actions shall be maintained by the City Clerk Administrator in a secure location. All employee medical records, including all disability-related inquiries, shall be maintained in a separate, secure file and may only be viewed or accessed by the City Clerk Administrator, City Clerk, and supervisory employees with a business need to know. Background checks and investigatory materials shall be maintained in separate files from an employee’s personnel file, and shall be maintained by the City Administrator or the City Clerk as designee; only the City Administrator or the City Clerk as designee and supervisory employees with a business need to know may access background checks and investigatory files.

Requests for Personnel Information from Governmental Agencies Conducting Investigations

The City may release personnel records to governmental agencies when such information is requested in the course of that agency’s investigatory functions (for example, law enforcement agencies conducting criminal investigations, the EEOC or KHRC conducting investigations of complaints of discrimination, or information requested as part of the discovery process in a judicial proceeding).

Internal Requests for Personnel Information



Outside of the City ~~Clerk~~Administrator or the City ~~Clerk~~Administrator's designee, only the Department Managers shall have access to personnel information; Department Managers shall only have access to the personnel files of those employees who report to them, exceptions may be granted by the City ~~Clerk~~Administrator or their designee if it is determined that the requesting party has a legitimate need to have access to the information. The requesting person must specifically identify the information to which access is requested and must provide detailed reasons for requesting access to the information.

Employee's Inspection of Their File

Upon request to the City ~~Clerk~~Administrator or designee, an employee may inspect certain documents in his/her personnel file at reasonable times during office hours. Such inspection must occur in the personnel records area in the presence of the City ~~Clerk~~Administrator or designee and the file may not be subject to duplication.

1.7 RESIDENCY REQUIREMENTS

All full-time City employees are to live and remain living within a 45-mile radius from this place of work. The Mayor may grant exceptions to the residency requirements for exceptional circumstances, upon the recommendation of the Department Manager. This residency requirement will take place no later than one (1) year after their date of hire.

1.8 HOURS OF WORK AND PAYDAYS

Schedules for each department, including lunch period length and timing, are determined by the Department's Manager. Employees are compensated on a bi-weekly basis. For purposes of this policy, "work period" is defined as seven (7) consecutive days starting at Monday 7:00 AM to the following Monday at 7:00 AM.

1.9 OUTSIDE EMPLOYMENT

Full-time employees must notify their Department Manager of any outside employment. The employees' City job responsibilities will take precedence over conflicts with any outside employment responsibilities and the employee's job performance should not be negatively impacted by the outside employment, as determined by the Department Manager.

1.10 USE OF VEHICLES FOR CITY BUSINESS

Any employee who will operate City-owned vehicles or privately-owned vehicles for City business will comply with the following provisions. Failure to comply with these provisions may result in a suspension or delay of driving privileges as described in this policy and/or other disciplinary action.

City-Owned Vehicle

Any employee operating a City-owned vehicle to conduct official City business must:

- Be authorized by his/her Department Manager to operate such vehicle;
- Maintain a valid vehicle operator's license;
- Operate the vehicle only as authorized for City business;
- Comply with all applicable traffic laws, rules, and regulations;
- Shall maintain a class B CDL and be enrolled in the City's random drug testing pool in order to operate vehicles rated at 26,000 pounds or more;



- Exercise due care and diligence in operating the vehicle;
- Not knowingly permit any unauthorized person to operate the City-owned vehicle;
- Not operate the vehicle when under the influence of alcohol, any controlled substance, or any prescribed or other medication not recommended for use while driving;
- Not smoke or utilize any product made or derived from tobacco, or which otherwise contains nicotine, including but not limited to cigarettes, cigars, pipe tobacco, vaporized smoking products (E-Cigarettes) in any City motor vehicle.
- Promptly notify their supervisor of any maintenance or other problem with the vehicle;
- Promptly notify their supervisor when the vehicle is involved in an accident; and
- Immediately notify their supervisor should his or her vehicle operator's license become expired, suspended, revoked, or cancelled.
- Immediately notify their supervisor should the employee be charged with DUI, DWI, Reckless Driving, or any other serious violation.
- Refrain from the use of cellular or mobile devices.
- Refrain from any activity which may distract the driver.

Personal Vehicle

Any employee operating a privately-owned vehicle for City business must:

- Be authorized by the Chief Administrative Officer or the employee's Department Manager to operate such vehicle for City business;
- Maintain a valid vehicle operator's license;
- Comply with all laws, rules, and regulations;
- Exercise due care and diligence in operating the vehicle;
- Carry liability insurance for the vehicle as required by law;
- Not operate the vehicle while conducting City business when under the influence of alcohol, any controlled substance, or any prescribed or other medication not recommended for use while driving;
- Promptly notify their supervisor when the vehicle is involved in an accident while being used for official City business; and
- Immediately notify their supervisor should the employee's vehicle operator's license become expired, suspended, revoked, or cancelled, or if the employee is notified of the pending suspension or revocation of their license upon notice and hearing.
- Immediately notify his or her supervisor should the employee be charged with DUI, DWI, Reckless Driving or any other serious traffic violation.

Conviction of any of the following driving violations shall result in a suspension or revocation of driving privileges:

- One (1) conviction (or diversion or suspended imposition of sentence) for driving while under the influence of alcohol or controlled substances or substantially similar violation, regardless of the jurisdiction.; or
- Conviction of three (3) or more moving violations within the past two (2) years.
- Status of a valid driver's license will be verified annually by the City, however employees are expected to inform their Department Manager if any of the above violations occur.

Driving privileges may be reinstated if the employee successfully completes a driver training program



approved by the Department Manager and upon full reinstatement of the employee's driver's license or operator's license by the employee's state of residence.

Penalty Provisions

Failure to obtain or maintain the Department Manager's authorization or the employee's ability to operate a vehicle for City business may result in disciplinary action, up to and including termination.

An employee whose authorization to operate a City-owned vehicle or privately owned vehicle for City business has been suspended or revoked by the City may appeal such suspension or revocation pursuant to the City's Appeal Procedure in Section 5.8 of this Handbook.

1.11 PERFORMANCE MANAGEMENT

The employee performance management process is intended to accomplish the following objectives:

- to provide employees with full and accurate information concerning their performance;
- to identify performance elements in which employees do well and those elements which require improvement;
- to set performance goals; and
- to establish plans to correct performance shortcomings.

All full-time and part-time employees will receive an official performance review from their Department Manager on an annual basis, typically by November 1st. Such performance reviews are subject to review by the Mayor. The Mayor shall complete performance reviews for Department Managers. For newly-hired employees, reviews may occur more frequently. If possible, reviews will be held at a prearranged time in a private location free from interruptions. Approvals of performance reviews are required by the employee's immediate supervisor, and Department Manager. Department Managers should review job descriptions on a regular basis to ensure they reflect the current needs of the organization. When updates to job descriptions are made, those changes should be made in conversation with the employee in that job and then provided to the City ~~Clerk~~Administrator for retention.

1.12 PROMOTIONAL INCREASES

Promotions are defined as the indefinite movement of an employee to a position with a definite increase in responsibility and authority, a clear-cut change in duties, and a change to a higher salary level. Promotions may occur at any time during the year, without regard to the employee's normal salary review date. Upon the effective date of the promotion, a regular full-time employee is eligible for a promotion pay increase of not less than 5%. In determining the amount of the promotional increase:

- Identify the level at which employee is currently being paid.
- Assume satisfactory performance.
- Promotional increases should not normally take an employee beyond the salary range midpoint.
- If that amount would leave the employee below minimum, recommend an amount that, if possible, would bring the employee to the minimum.

1.13 INTRODUCTORY PERIOD INCREASES

New full-time employees who successfully complete their "introductory" period will be considered regular employees and shall be eligible for a pay increase, based on performance.



1.14 BONUS PAY

Bonus Pay is defined as a monetary reward given to employees whose performance justifies recognition. The employee may receive a lump-sum salary adjustment for a one-time special contribution to the organization or as a reward for continued high performance when the employee is at the range maximum and ineligible for further salary increases.

1.15 MEDICAL EXAMINATIONS

The Chief Administrative Officer, on their own or on recommendation by an employee's Department Manager, at the City's cost, may require an employee to undergo a medical, psychiatric or psychological examination by professionals designated by the City if the requirement for the examination is job-related and consistent with business necessity and if the City has a reasonable belief that: (1) the employee's ability to perform the essential functions of the job may be impaired by a medical condition; or (2) an employee may pose a direct threat (i.e., significant risk of substantial harm to the health and safety of self or others) due to a medical condition.. An employee may also be required to report to a physician designated by the City , at the City's cost, for confirmation of a diagnosis made by other physicians in accordance with Federal law. In the event of a work-related injury that is covered by the Workers' Compensation Act, employees may be required to report to a medical evaluation pursuant to the provisions of the Workers' Compensation Act.

The City may require conditional post-offer medical examinations consistent with job requirements and business necessity.

1.16 DEPARTMENTAL WORK RULES

Each Department may issue its own separate administrative policies and work rules, so long as they do not conflict with applicable law, City Code, or this Employee Handbook. For questions about such work rules, employees should contact their Department Manager.



EQUAL EMPLOYMENT OPPORTUNITY/DISCRIMINATION/HARASSMENT

2.1 EQUAL EMPLOYMENT OPPORTUNITY

As an equal opportunity employer, the City is committed to an employment environment free from all forms of unlawful discrimination and harassment. It is the policy of the City to make employment decisions on the basis of merit and to prohibit discrimination on the basis of race, color, religion, sex or gender, age, national origin or ancestry, veteran status, disability, sexual orientation, gender identity, genetic information, or any other class or characteristic prohibited by applicable law.

The City is committed to complying with all applicable laws in providing equal employment opportunities. This commitment applies to all persons involved in the operations of the City and prohibits unlawful discrimination by all employees.

If an employee believes that they have been subjected to any form of unlawful discrimination or harassment, they must contact their Department Manager, ~~the Chief Administrative Officer/City Clerk,~~ or the ~~Mayor~~ City Administrator. Department Managers must immediately report all incidents of suspected or reported harassment to the ~~City Clerk/Chief Administrative Officer~~ City Administrator. If the suspected or reported harassment involves the ~~City Administrator~~ City Clerk/Chief Administrative Officer, Department Managers must immediately report such incidents to the Mayor ~~of the City Council~~. Each Department Manager is responsible for promoting and maintaining a work environment free of prohibited discrimination and harassment. Any Department Manager who is aware of a violation of this policy by employees or other persons and who fails to initiate immediate and suitable corrective action will be subject to disciplinary action up to and including discharge from employment. Any reported incident will be investigated. Complaints and actions taken to resolve unlawful harassment will be handled as confidentially as possible, given the employer's obligation to investigate and act upon reports of such harassment. Violation of this policy may result in discipline up to and including discharge from employment. Employees may bring good faith complaints, ask questions, and raise concerns under this policy without fear of reprisal or retaliation.

The City will immediately undertake a thorough and objective investigation. If the City determines that unlawful discrimination or harassment has occurred, the City will take effective remedial action commensurate with the severity of the offense and appropriate actions to deter any future discrimination or harassment. The City will not retaliate against employees for filing a complaint or who participate in the investigation of a complaint and will not permit retaliation by management or any co-workers.

The City will provide reasonable accommodation to qualified employees or applicants for employment with a disability. The City will also engage qualified employees or applicants in an interactive process to identify reasonable and sufficient accommodations of a known or reported disability.

Questions regarding this policy should be directed to the ~~City Administrator~~ City Clerk/Chief Administrative Officer.

2.2 SEXUAL HARASSMENT



Sexual harassment in the work environment, by management, employees, or other persons including vendors, salespersons, clients and visitors of the Organization is a prohibited form of discrimination and will not be tolerated.

The law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature, either by a person of the same sex or of the opposite sex, when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions including, but not limited to, hiring, promotion, transfer, compensation, termination, layoff, training, demotion, education, and social programs; or
- c) The conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. Examples of behaviors that can lead to sexual harassment include, but are not limited to:
 - Touching that is not necessary or welcome;
 - Physical assault or sexual abuse;
 - Sexual flirtation or advances that are not welcome;
 - Demands, requests, or direct or indirect pressure for sex, sexual activity or dates;
 - Jokes, remarks, language, statements, printed materials, emails, cartoons or posters that are offensive, sexual and are unwelcome;
 - Physically interfering with someone doing their job or blocking their movement;
 - Explicit or degrading remarks about someone's appearance or their body;
 - Making sexual gestures or suggestive facial expressions.

This policy protects all individuals working at the Organization. It covers employees of any gender and prohibits sexual harassment between persons of the same sex/gender as well as between persons of the different sexes/genders.

If an employee feels they are being subjected to sexual harassment by Managers, Supervisors, employees or other persons they deal with at work, employees should follow the same reporting procedure outlined above in Section 2.1.

The Organization may take such disciplinary action it deems necessary and appropriate, which may include warnings, paid or unpaid suspensions, transfers, and discharge from employment to address sexual harassment or other inappropriate conduct and prevent its recurrence.

2.3 PROHIBITION OF OTHER UNLAWFUL HARASSMENT

The City also prohibits unlawful harassment in the work environment on the basis of any characteristic protected by local, state and federal anti-discrimination laws. Unlawful harassment (except for sexual harassment which is defined above) is defined as verbal or physical conduct that denigrates or shows



hostility or aversion toward an individual because of any characteristics protected by law, including but not limited to race, color, religion, gender, national origin, age, veteran's status, genetic information, sexual orientation, gender identity, or disability, or that of his or her relatives, friends, or associates, that:

- i) Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- ii) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- iii) Otherwise adversely affects an individual's employment opportunities.

Unlawful harassment can occur in many different forms. It can be physical, verbal, visual or in writing. While it is not easy to define, some examples of the types of behavior that can be considered unlawful harassment may include, but are not limited to, the following statements, behaviors, or documents:

- Epithets, slurs, or negative stereotyping that relate to race, color, religion, gender, national origin, ancestry, marital/familial status, age, veteran's status, sexual orientation, gender identity, or disability;
- Threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, veteran's status, sexual orientation, gender identity, or disability;
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, veteran's status, sexual orientation, gender identity, or disability, including emails, material that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

If an employee feels they are being subjected to any type of unlawful harassment by Managers, Supervisors, employees or other persons they deal with at work, employees should follow the same reporting procedure outlined above in Section 2.1.



RECRUITMENT AND SELECTION

3.1 RECRUITMENT AND SELECTION

This policy applies to the recruitment and selection of employees for all full-time, regular positions.

It is the policy of the City to maintain a recruitment and selection program designed to identify the most qualified individual for the position, without regard to membership in a protected class, giving consideration to individuals already employed by the City. The City supports the practice of promoting from within when appropriate. It also believes that employees have the primary responsibility for their own career development. To support these philosophies, all position vacancies are generally posted internally and externally.

Upon receipt of an offer of employment for a different position, employees may be required to complete appropriate medical evaluations and drug testing to determine if they are able to perform the essential functions of the new positions with or without reasonable accommodation. Individuals who can perform the essential functions of the new position with or without reasonable accommodations will be transferred to the new position.

The City will comply with any applicable veteran's or disabled veteran's preference as required by law.

3.2 NEPOTISM

To promote consistency and equity in the treatment of all employees, to prevent breaches in confidentiality and to prevent the perception of favoritism, employees' immediate family members cannot work for the same department within the City for any non-seasonal position. Immediate family members of any employee may be employed in seasonal positions.

No immediate family member may supervise another immediate family member or attain a position in which such supervision will be required. If this were to happen, the affected employees must choose which one of them will resign from employment with the City. If one of the employees does not submit a resignation within five (5) working days after the immediate family member becomes a supervisor, the employee with the least amount of service with the City will be required to resign.

If an employee has the ability to affect the terms and conditions of employment of another employee's employment with the City, and marries such employee or there is a domestic partner designation between such employees, the City may require the employees to transfer to another position, consider alternate employment, or change managerial structure for the employees, if possible.

If such alternate employment arrangements are not possible, the affected employees must choose which one of them will resign from employment with the City. If one of the employees does not submit a resignation within five (5) working days after the marriage or domestic partner designation, the employee with the least amount of service with the City will be required to resign.



3.3 JOB OFFERS

Department Heads are responsible for recruitment and selection of employees within their departments. Once a candidate is identified for employment, the Department Manager should notify the City ~~Clerk~~Administrator who will produce a conditional offer on behalf of the City. The Department Manager should be responsible for coordinating any post-offer conditions.

3.4 INITIAL START DATE AND ORIENTATION

On or before an employee's start date, the employee will complete required paperwork and an initial orientation with the City Clerk's Office. The new employee's supervisor is responsible for providing a department and organizational orientation for the new employee.

The employee's supervisor will complete a new-hire checklist with new employees and review department policies and procedures.

3.5 EMPLOYEE REFERENCE CHECKS AND VERIFICATION OF EMPLOYMENT

Under no circumstances should any employee, other than Department Managers, ~~the City Administrator,~~ or the City Clerk as designee, release any information about any current or former employee. All inquiries regarding any current or former employee must be referred to the Department Manager or City ~~Administrator's~~Clerk's Office provided it will be limited to verification of employment dates, final title or position, and job location, with additional information provided at the discretion of Department Managers or ~~City Administrator~~the City Clerk's Office.

3.6 ONBOARDING AND INTRODUCTORY PERIOD

No person will be employed by the City until the necessary paperwork has been completed, the handbook has been reviewed in its entirety, and until the signed handbook receipt page has been submitted to the City Clerk's Office.

Total annual or monthly compensation figures provided to an employee are informational only and do not create an obligation of the City to the employee.

Each employee who begins employment with, or changes positions or job classifications within, the City will begin an introductory period. This introductory period is an initial opportunity for evaluating the new employee in the position and will be for a length of six (6) months (one (1) year for sworn police officers), but may be extended by the City at its discretion.

During the introductory period and thereafter, an employee must demonstrate good quality work, a willingness to learn, the ability to perform the essential functions of the position with or without reasonable accommodation, and a cooperative attitude.

Upon satisfactory completion of the introductory period, the employee is expected to continue demonstrating good quality work, a willingness to learn, cooperative attitude, and the ability to perform the essential functions of the position with or without a reasonable accommodation. All employees of the City are expected to maintain the highest standards of performance.



COMPENSATION PRACTICES

4.1 WAGE/SALARY PROGRAM ADMINISTRATION

It is the policy of the City to pay wages and salaries which are competitive and give recognition to individual effort and contribution to the community. Each position in the City has been placed in a classification which establishes the value of the position in relation to other positions in the City. Each position in the City has been assigned a wage/salary range as noted in ordinance. Within this framework, an employee's wage/salary is related to demonstrated performance.

Merit wage/salary increases, if granted, are based on job performance and competence. An employee who has reached the upper limit of his/her pay range will not receive a salary/rate increase, but may receive a merit award, depending upon job performance for the year.

Market and cost of living increases will be determined by the Governing Body. The Governing Body may authorize additional across the board increases. The salary schedule should be reviewed annually by the Administration and Compensation committee in consultation with Department Managers to determine if a market adjustment is needed to ensure that pay grades correspond to general market conditions. The adjustment should be based on factors including an increase in the cost of living (based on the Consumer Price Index), the rate by which comparable organizations are adjusting their salary schedules (which benchmarking cities should be established through consistent practice), and the City's ability to pay. Based upon such review, the Administration and Compensation committee may recommend changes to the salary schedule to the Governing Body.

Below Range – Should an employee fall below the minimum of the range assigned for their position level, increases may be recommended by the Department Manager each six (6) months, including requesting additional dollars during the normal performance review increase. This should continue until such time as the employee is within range.

Exceed Range - For employees paid at or above the maximum of the range assigned for their position level, a lump-sum salary adjustment may be provided based upon performance. The amount provided would normally be equivalent to the percentages received by employees within the range.

Once the Governing Body has adopted the budget, Department Managers shall retain discretion in distributing the funding allocated to personnel lines.

4.2 EXEMPT/NON-EXEMPT STATUS

All positions in the City will be classified as either exempt or non-exempt in accordance with applicable laws, including, but not limited to the Fair Labor Standards Act (FLSA). Exempt or non-exempt status will be detailed in the job description for each position.



4.3 OVERTIME

Employees classified as exempt, due to the nature of the work they perform, are not eligible for overtime compensation. Non-exempt employees are eligible for overtime compensation as outlined below. For purposes of this policy, "work period" is defined as seven (7) consecutive days starting at Monday 7:00 AM to the following Monday at 7:00 AM. The City's overtime pay policy for non-exempt employees includes the following principal elements:

- Non-Exempt Commissioned and Non-Commissioned Full-Time Employees
 - overtime is paid for any hours worked in excess of forty (40) during a work.
 - overtime is paid at one-and-a-half (1 ½) times an employee's regular rate.
 - overtime is paid out at the conclusion of the pay period.

Vacation, official City holidays, Medical leave, Bereavement leave, and Personal leave are considered "hours worked" for overtime calculation purposes. Disability leave, Civil leave, and Administrative leave are not considered "hours worked" for overtime calculation purposes. Overtime worked by non-exempt employees must be authorized in advance by the employee's supervisor unless special exception is granted by the Department Manager. Department Managers should make every effort to minimize overtime worked.

4.4 CALL BACK COMPENSATION

If a non-exempt employee is called back to work outside of regularly scheduled hours and without advance notice, he or she will be compensated for a minimum of two (2) hours of work or for the actual time worked if greater than two (2) hours. Time worked will begin when contact is made with the employee.

4.5 EXPENSE REIMBURSEMENT

Employees who incur out-of-pocket expenses while performing City business will be reimbursed if the following criteria are met:

- Eligible expenses must be a necessary function of City business.
- All eligible expenses must be supported with a valid receipt and explanation of the nature of the expense. Personal auto mileage must be reported with date, purpose and actual miles driven.
- An accounting of eligible expenses must be submitted and approved by the individual's supervisor before a reimbursement check will be issued.

Eligible Expenses Incurred within the Metropolitan Area

Reimbursable local expenses are mileage, parking and registration fees. Such expenses must be reported with receipts or valid explanation. Meals included in registration or program fees will be paid for by the City. Meals not included in registration or program fees are not eligible expenses unless City business or training time (1) exceeds five total hours, excluding travel time, and (2) occurs outside Westwood boundaries.



Eligible Expenses Incurred Outside the Metropolitan Area Without an Overnight Stay

All trips for City business out of the metropolitan area, but not requiring an overnight stay must be approved, in advance, by a supervisor if reimbursement is desired. The City will pay reasonable expenses for meals, transportation, parking, tolls and registration fees only if reported with a receipt or valid explanation.

Eligible Expenses Incurred Outside the Metropolitan Area Which Require an Overnight Stay

Expenses incurred by employees on City business outside of the metropolitan area that require an overnight stay are covered by the City's Travel Policy.

4.6 TRAVEL POLICY

The City expects that individuals traveling on official City business expend funds in a prudent and reasonable manner. Whenever possible, advance arrangements should be made for airline tickets, registrations and lodging so that the City can be billed for/pay the expenses directly. This policy and the procedures outlined herein apply to all City employees of the City of Westwood when travel requiring an overnight stay is necessary as part of official City business.

The appropriate Department Manager has the authority to approve requests for funds, reimbursements and overnight travel for their employees.

The City will pay for or reimburse employees for the following costs, in accordance with the procedures more fully set forth in this policy:

Meals and Incidentals (Per Diem)

The City will pay all non-exempt employees a per diem amount for meals and incidentals incurred on travel days and conference days when the conference sponsor does not provide full meals (i.e., sit down breakfast, lunch or dinner) as part of the conference cost. The total daily per diem amount is based on the M&IE (Meals and Incidental Expenses) breakdown provided by the General Services Administration (GSA). Cities not specifically listed on the GSA website will be considered a "standard destination" and receive the prevailing Federal per diem rate for such destinations. Any exceptions to this rule require prior approval by the Department Manager.

Lodging Expenses

The City will pay the cost or equivalent cost or less of a standard room at the suggested conference hotel(s). Expenses for in-room entertainment fees and other personal expenses are not eligible for reimbursement and will be paid by the employee. When traveling on official business not related to a conference, lodging choices should be based upon economy and accessibility to destination or purpose of travel. Expenses incurred by any guests of an employee are the full responsibility of the employee.

Conference Registration

When practical, arrangements should be made far enough in advance to take advantage of any special pricing opportunities and so that the City can pay the fees for conference registrations directly to the sponsoring organization. The City will pay for the cost of basic conference registration and fees for additional pre-sessions and post sessions that are clearly a function of the conference and do not qualify as entertainment.



Travel Costs

No specific mode of transportation is mandatory; however, employees are expected to use the most economical means available with reasonable consideration given to the time and distance involved. The City will not reimburse for any mileage that exceeds the actual round trip mileage. It is the employee's responsibility to obtain competitive pricing to ensure comparative rates.

- Air Travel
 - The City will pay the costs of coach airfare for travel on City business. Based on the totality of the circumstances such travel must be the most cost-efficient, direct flight to and from the conference location based upon the conference and travel days scheduled for the travel.
- Driving
 - Employees may choose to drive to and from a conference outside the metropolitan area. However, in no event will the City reimburse amounts incurred due to driving (mileage, hotel and meals) which exceed the costs that would have been incurred for air travel and associated costs, including covering costs associated with additional travel time due to electing driving over air travel. Further, in such instances, employees will be responsible for any tickets or citations issued to her/him during the trip.
 - City Vehicle Use. Employees are encouraged to use a City vehicle in lieu of a personal vehicle whenever a City vehicle is available. When a City vehicle is used, the employee will be reimbursed for any expenses for gas that are not charged directly to the City.
 - Personal Vehicle Use. If an employee is allowed to use their personal vehicle, a mileage allowance at the prevailing IRS rate may be authorized for mileage amounts calculated based upon standard mileage charts or other sources. No other allowance for additional passengers, repairs or vehicle maintenance will be allowed. The costs of tolls will be reimbursed by the City if receipts are provided.
 - Employees using their own vehicles must accept personal liability for any damage or injury occurring as a result of that use.

Miscellaneous Items and Restrictions

The City will pay directly to the employee the projected costs for transportation to and from KCI airport using City Hall as the starting and ending point. Other associated costs, such as parking, will be reimbursed with actual receipts. Employees are also entitled to be reimbursed for transportation expenses incurred upon arrival and departure of the destination City on a travel day or conference day for necessary travel. Reimbursement can also be requested for taxi fares to and from a restaurant for meals. A receipt must be submitted for such reimbursement.

Employees who travel will not be reimbursed for personal phone calls.

If City employees travel early or stay later for personal reasons not related to City business, either prior to or after approved conference, all lodging and excess travel costs beyond that necessary to attend the City business must be paid by the employee. No per diem rates will be granted for days other than conference days, travel days, and days approved for conducting official City business.

Employees who wish to personally pay for the cost of items covered by this policy that are incurred as a result of overnight travel may do so. Reimbursement will only occur after completion, submittal and approval of a travel authorization form.



Consideration must be given to the most economical location for conferences or seminars that are offered in various cities.

Charges for baggage not included in the initial airfare are reimbursable if baggage is used for official business.

Purchases of services such as internet/Wi-Fi and office supplies are reimbursable when required for official business while in travel status.

The costs of alcoholic beverages will not be reimbursed by the City.

Unforeseen Delays

If travel is extended due to unforeseen circumstances such as flight delays, the City will pay for any additional costs incurred. The employee may charge these additional costs to their purchasing card as long as the costs are allowable costs per the City's purchasing card policy. If a purchasing card charge is determined to not qualify as allowable cost, the employee will be expected to reimburse the City.

Cancellation

In the event an employee is unable to complete travel after arrangements have been made they should try to find another City employee to attend. If no alternate attendee can be found, the employee should make every effort to cancel and have refunded any funds committed to their accommodations (hotel, conference registrations, and airfare less cancellation fees) as soon as possible. If cancellation is not possible, the employee may be responsible for reimbursing the City for any forfeited fees; ownership of the ticket or reservation, if available, will be transferred to the individual.

Procedures for Approval and Payment

A Department Manager will approve travel authorization for employees in their department. The Department Manager or their designee will be responsible for ensuring that the travel is reasonably necessary to meet the various needs of the organization.

- Employees seeking post-travel reimbursement for authorized travel expenses must submit receipts of the expense and a memo detailing the reason for the expense and the amount sought for reimbursement. The Department Manager or designee will determine the validity of the expense and then submit a purchase order for reimbursement.
- In the case of the City Administrator, the Mayor will be responsible for approving travel expenses.



EMPLOYEE BENEFITS, SERVICES AND TYPES OF LEAVE

5.1 VACATION

Full-time employees earn and accrue vacation leave in any pay period in which the employee is compensated for at least thirty (30) hours of regular time. Part-time employees are not eligible to earn vacation leave. A full-time employee's vacation leave accrual is based on the employee's length of continuous employment, as follows:

Vacation leave shall be earned and accrued from the most recent date of hire for continuous employment under the conditions herein stated. Each vacation category represents from the beginning of the employment year until the anniversary date. (Example 0-5 years is from the first date of employment until the sixth year anniversary date). Vacation is calculated on the first two (2) pay periods of the calendar month. Employee vacation leave balances may not exceed 260 hours, regardless of length of service. Once an employee accrues 260 hours of vacation leave, no more vacation leave shall be accrued until the employee has less than 260 hours of vacation leave. Employees with vacation leave in excess of 260 hours upon the adoption date of this Handbook shall draw down their vacation banks to the following amounts on the identified dates:

January 1, 2022: 460 hours

January 1, 2023: 360 hours

January 1, 2024: 260 hours

Upon initial eligibility. During the first five (5) years of continuous service, full-time employees earn vacation leave at the rate of ~~8~~12.00 hours per calendar month.

Upon the sixth (6th) year of service. After the completion of five (5) years of continuous service, full-time employees earn vacation leave at the rate of ~~11~~16.00 hours per calendar month.

Upon completion of fifteen (15) years of service. After fourteen (14) years of continuous service, full-time employees earn vacation leave at the rate of ~~14~~20.00 hours per calendar month.

An employee may utilize any accumulated vacation leave benefit immediately after his or her date of hire. Vacation leave may be taken in a minimum of one (1) hour increments for non-exempt employees. Exempt employees are not subject to salary reductions. Exempt employees may use vacation leave in one (1) hour increments.

Vacation leave must be requested as far in advance as possible, but not to exceed 90 days, and can only be taken if approved by the Department Manager. Vacation leave requests may be denied due to inadequate notice or staffing requirements. If more than one employee in a department has requested vacation leave to be taken at the same time, and the requests cannot all be granted, the Department Manager will determine which employees will be allowed the time off based upon fair and impartial factors, including in order of consideration: staffing needs, date requested, and seniority.

If an employee has scheduled or is on vacation leave when an illness occurs, the employee may request that the leave be charged as medical leave rather than vacation leave. The Department Manager in his or



her sole discretion has the authority to change the leave classification for the period of the illness and/or recovery. Documentation from a health care provider may be required when an employee wishes to re-classify scheduled vacation leave to medical leave. That documentation should include:

- name of the employee; and
- name of the employee or immediate family member attended to; and
- date(s) the employee or immediate family member was hospitalized or under the health care provider's care; and
- signature of the health care provider.

Unused vacation leave will be paid to employees upon separation up to the accrual cap of 260 hours. Vacation leave may not be used after providing resignation notice, unless requested by the employee and approved by the Department Manager. If a City paid holiday falls during an employee's vacation, the employee will not be charged that day as vacation leave.

Vacation shall not be granted in excess of the number of hours accrued. Temporary and seasonal employees shall not earn vacation leave.

5.2 HOLIDAYS

Full-time and part-time employees are eligible for holiday pay for any holiday approved by the Governing Body. The following days are recognized as official City holidays:

- a. New Year's Day
- b. Martin Luther King, Jr., Day
- ~~c.~~ c. Memorial Day
- ~~c.d.~~ d. Juneteenth
- ~~d.e.~~ e. Independence Day
- ~~e.f.~~ f. Labor Day
- ~~f.g.~~ g. Thanksgiving Day
- ~~g.h.~~ h. Day after Thanksgiving
- ~~h.i.~~ i. Christmas Eve
- ~~i.~~ j. Christmas Day Holiday
- ~~i.k.~~ k. Employee's Birthday (to be used within 15 days before to 15 days following date of birth)

When an official City holiday occurs on a Saturday it will be observed on the Friday preceding the actual holiday; if an official City holiday occurs on a Sunday (except for Christmas Eve), it will be observed on the Monday following the actual holiday.

If a non-exempt employee is required to work on an official City holiday, he/she will receive up to an additional eight (8) hours of holiday pay at his/her normal rate of pay for hours worked. If a non-exempt employee is scheduled to be off on an official City holiday, they will receive an additional eight (8) hours of holiday pay at his/her normal rate of pay. An exempt employee required to work on a designated holiday will be given another day off.

An employee who is terminated or who commences an unpaid leave of absence on the last scheduled workday preceding a holiday will not receive holiday pay. Holiday pay will not be paid for any employee who does not work on their regularly scheduled workday before or after a designated holiday due to an unexcused absence. An employee who wishes to observe a religious holiday not identified above may take



leave chargeable to floating holiday, accrued vacation, or personal leave with the approval of the Department Manager.

5.3 PERSONAL TIME

In addition to the designated holidays, each full time employee shall receive sixteen (16) “personal time” paid hours to be taken each year. Employees hired in:

- the first quarter of the year will receive sixteen (16) “personal time” hours;
- the second quarter of the year will receive twelve (12) “personal time” hours;
- the third quarter of the year will receive eight (8) “personal time” hours;
- the fourth quarter of the year will not receive any “personal time” until the start of the new year.

Personal time not utilized by December 31st will not roll over to the next calendar year, nor will it be paid out in any monetary amount to employees.

5.4 MEDICAL LEAVE

The City has a direct interest in the welfare and productivity of its employees. The intent of this policy is to provide eligible employees with a limited amount of medical leave for:

- the employee’s own illness, doctor’s visits or physical incapacity;
- an immediate family member’s illness, doctor’s visits or physical incapacity;
- to care for a newborn child, recently adopted child, or recently placed foster child; or
- enforced quarantine of the employee, in accordance with community health regulations;

Employees may take medical leave in one (1) hour increments.

An employee may utilize any accumulated medical leave benefit immediately after his or her date of hire. Full-time employees earn and accrue medical leave at the rate of 8.00 hours per month or 96 hours per year. Medical leave is calculated on the first two (2) pay periods of the calendar month. Employees may accrue up to 480 hours of medical leave.

After the accrual of 480 hours, all additional medical leave will be considered “medical reserve leave”. If an employee exhausts his or her paid medical leave, he or she may use accumulated medical reserve leave for a serious health condition of the employee, if any such leave exists and with the approval of their Department Manager. Discretion may be applied by the Department Manager depending on departmental capacity and ability of the department to ensure continuity of operations. Use of accumulated medical reserve leave is not automatically available to employees as it may conflict with elements of this policy. If no medical reserve leave exists, an employee must then use his or her available vacation leave.

Medical leave may not be used before it is earned or accrued. The amount of medical leave earned and accrued by an employee is not intended to establish a guideline for acceptable attendance. To be eligible for paid medical leave an employee must notify his or her immediate supervisor no later than



one (1) hour before their scheduled shift and police officers must notify their supervisor four (4) hours before their scheduled shift.

For an eligible employee to receive medical leave, the employee must notify the Department Manager as soon as practical of the illness and of the approximate length of absence required. Whenever possible, the employee should notify the Department Manager at least one (1) hour before the time set for beginning daily duties.

Upon retirement, employees will be compensated for fifty percent (50%) percent of their remaining balance, up to 480 hours of medical leave at the rate of pay in effect at the time of retirement. Medical reserve leave has no cash value at separation or retirement. Should an employee with more than five (5) years of service with the City cease employment with the City on a voluntary basis (other than retirement, which is provided in Section 7.2 of this Policy), he/she will receive fifteen percent (15%) of his/her remaining medical leave balance. Should an employee separate with less than five (5) years of service or be terminated involuntarily, he/she will not receive any compensation for his/her remaining medical leave balance.

False reporting of medical leave is not acceptable. False reporting or abuse of medical leave may subject the employee to disciplinary action, up to and including termination. Department Managers may require documentation from a health care provider at their discretion.

Documentation from a health care provider may be required when the use of medical leave extends beyond three (3) consecutive working days. That documentation should include:

- name of the employee and/or immediate family member being attended to;
- dates the employee or immediate family member was under the health care provider's care; and
- signature of the health care provider.

5.5 WORKERS COMPENSATION

It is imperative that any on the job injury or illness be reported to the employee's supervisor or Department Manager immediately, regardless of how minor the injury may seem. Prompt reporting ensures immediate treatment and to provide for proper administration of benefits and reports. The employee is protected by Worker's Compensation insurance while employed by the City, at no cost to the employee. Failure to timely notify the City of a workplace injury or illness may subject the employee to loss of benefits pursuant to the Workers' Compensation Act.

Any employee injured on the job shall be eligible to receive leave with pay during the seven (7) day waiting period for worker's compensation claims.

Employees unable to work because of illness or injury that arises out of and in their regular course of employment with the City may use vacation or medical leave to supplement Workers' Compensation benefits, but in no case will the total Workers' Compensation benefits and leave payments exceed an employee's normal salary. Absences due to work-related injuries or illnesses may be counted as FMLA leave.

5.6 BEREAVEMENT LEAVE



In order to provide full-time employees with paid time off from work in the event of the death of an immediate family member, an employee will be allowed the following time off:

- up to three (3) working days of bereavement leave in the event of the death of an immediate family member; and
- up to one (1) working day of bereavement leave to allow employees to attend the funeral of a fellow employee (subject to Department Manager approval).

Department Managers may grant extended bereavement leave through use of any available paid leave the employee has accrued.

Employees using bereavement leave must notify their immediate supervisor no later than one (1) hour before their scheduled shift and police officers must notify their supervisor four (4) hours before their scheduled shift, whenever practical.

For purposes of this policy, immediate family is defined as:

- Current spouse or domestic partner;
- Children or children of a current spouse or domestic partner;
- Parents or parents of a current spouse or domestic partner;
- Brother or sister;
- Half-brother or half-sister;
- Grandparents or grandparents of a current spouse or domestic partner;
- Grandchildren or grandchildren of a current spouse or domestic partner

• The City recognizes that there are others who are important in employees' lives. As such, upon hire (or upon adoption of this policy for current employees), employees may provide the name and relation of up to three (3) additional individuals outside of the list enumerated by this policy. Such names shall be kept in the employee's personnel file and employee shall be granted bereavement leave in the event of the death of such named individual during the stint of employee's employment with the City.

Pay for Bereavement leave will not be made to employees attending a funeral or taking time off during periods when, for other reasons, they are not or would not have been at work such as Vacation leave, time without pay, holidays, leave of absence, weekends, and regularly scheduled days away from work.

5.7 CIVIL LEAVE

Civil leave allows employees to receive time away from work for jury duty or appearances in court, arbitration or an administrative proceeding. While on civil leave, any benefits for which the employee is eligible will accrue as though on regular duty. Civil leave will not be considered "hours worked" for overtime calculation purposes. An employee is not eligible for civil leave if he or she is a party to a court proceeding, arbitration or administrative proceedings unrelated to his or her work for the City.

An employee must provide notification of jury duty within five (5) working days of his/her receipt of notice to serve. An employee who serves on jury duty during his or her normal work hours will be paid their normal rate of pay for their regularly scheduled hours. If an employee is instructed to report to jury duty more than one (1) hour after the start of his/her normal work day, or is excused from jury duty more than one (1) hour before the end of his or her normal work day, he or she must notify his or her Department



Manager. The Department Manager will direct the employee whether to report to work for the time the employee is not serving jury duty.

An employee who serves on jury duty on a scheduled day(s) off or during non-work hours is not entitled to receive their regular compensation. Time spent on jury duty during non-work hours or days off does not count toward a non-exempt employee's "hours worked" for overtime purposes.

Employees are also expected to keep their Department Manager informed of the expected length of their jury duty service and to report to work immediately following being excused by the court. In the event that the employee is released from jury duty early in the day permitting a half day of work or more, the employee is expected to return to work.

An employee who is subpoenaed to serve as a witness in a criminal or civil proceeding outside his/her normal work duties during his or her normal work hours will be paid his or her normal rate of pay for such service. An employee who is subpoenaed to serve as a witness outside his/her normal work duties on a scheduled day off or during non-work hours is not entitled to receive his/her regular compensation nor is such time counted toward a non-exempt employee's "hours worked" for overtime purposes.

If an employee is required to provide testimony as a direct result of his or her employment with the City, he/she will be compensated at the normal rate of pay and such time will be counted toward a non-exempt employee's overtime threshold.

If an employee is involved in court in a personal case either as plaintiff, defendant, or witness in a case not resulting from duties with the City, leave without pay may be granted by the Department Manager unless the employee elects to utilize any available vacation leave or personal days.

5.8 FAMILY AND MEDICAL LEAVE

A family or medical leave of absence is defined as an approved, unpaid, job-protected leave available to eligible employees under certain circumstances for consecutive or intermittent periods of up to twelve (12) work weeks in twelve (12) consecutive months. The twelve (12) month period is determined based upon a rolling 12-month period measured backward from the date the employee uses his/her FMLA leave.

The City provides eligible employees with leave in compliance with the federal Family and Medical Leave Act of 1993 (FMLA), which provides for up to twelve (12) weeks of unpaid leave in a twelve month period for certain family or medical reasons.

The City calculates available FMLA leave on a "rolling" twelve (12)-month period measured backward from the date an employee uses FMLA leave.

Eligibility

If an employee wishes to take leave under the Family and Medical Leave Act of 1993 ("FMLA"), they must satisfy the following criteria in order to be eligible:

- They must have worked for the Organization for at least twelve (12) months;
- They must still be employed with the Organization at the commencement of the requested leave;
- They must have worked for the Organization for at least 1250 hours during the twelve (12) consecutive months immediately preceding the start of the leave period;
- They have a qualifying event for leave under the Act;
- They have not already exhausted the maximum leave as provided by the FMLA, and;



- In the case of a new FMLA request for military caregiver leave, the 12-month period for the 26 weeks leave is calculated from the first date leave is taken for such leave.
- In the case of a new FMLA request for non-military caregiver leave, the 12-month period for the 12 weeks leave (unless otherwise provided by State law) is calculated from the date your last FMLA leave ended.

Reasons for Leave

To qualify for FMLA leave under this policy, the eligible employee must be taking leave for (1) the birth of a child and in order to care for that child; (2) the placement of a child for adoption or foster care and to care for the newly placed child; (3) to care for a spouse, child or parent with a serious health condition; (4) the employee's own serious health condition, which makes the employee unable to perform the essential functions of the employee's job; (5) military qualifying exigency leave as described below; or (6) military caregiver leave as described below.

Leave for Serious Health Condition

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a medical facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
 - (1) A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - treatment two or more (2+) times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven (7) days and both within thirty (30) days of the first day of incapacity); or
 - one treatment by a health care provider (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
 - (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

Military Exigency Leave for the Family of Servicemembers

For military qualifying exigency leave, a qualifying exigency is defined consistent with FMLA regulations issued by the U.S. Department of Labor. Typically, this leave is allowed when there is a qualifying exigency that arises from a spouse, son, daughter or parent of the employee being on active duty or being notified



of an impending call or order to activate duty in the Armed Forces, National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include:

- Short-notice deployment activities;
- Military events and related activities;
- Childcare and school activities;
- Financial and legal arrangements;
- Counseling activities;
- Rest and recuperation activities; and/or
- Attending post-deployment reintegration briefings.
- Additional activities mutually agreed upon by you and the Organization.

Military Caregiver Leave to Care for a Servicemember

FMLA includes a special leave entitlement that permits eligible employees (those who are the spouse, son, daughter, parent or next of kin of a covered service member with a serious illness or injury) to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:

- A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

In the event an employee takes leave to care for a service member, this time shall only be available during a single 12-month period, and when combined with other FMLA qualifying leave, may not exceed 26 weeks total during the single 12-month period. The single 12-month period begins on the first day an eligible employee starts their leave to care for the ill or injured service member.

Requesting FMLA Leave

All employees requesting leave under this policy must provide verbal notice with an explanation of the reason(s) for the needed leave to the Department Manager. Employees needing FMLA leave must follow usual and customary call-in procedures, absent unusual circumstances that prevent the employee from doing so. Where no unusual circumstances justify such a failure, FMLA designation for the absence may be denied or delayed. The City may require the employee to provide a written request for leave and the reasons for foreseeable FMLA leave.

The City may require an employee to take FMLA without the express request or consent of the employee if a qualifying event has occurred. The City reserves the right to designate leave as FMLA leave retroactively with appropriate notice to the employee.

An employee who foresees a need for FMLA leave more than thirty (30) days in advance must request it and notify the City of the date the leave will commence, if approved, and the expected duration of the leave at least thirty (30) days in advance. In cases where the need for leave is foreseeable, an employee's failure to provide such advance notice may result in denial or postponement of the leave and/or absence(s).



An employee for whom the need for FMLA leave is not foreseeable, must notify their supervisor at least thirty (30) days in advance of the need for leave or as soon as practicable. Upon written request by the City, the employee must explain why the thirty (30) days' notice was not practicable.

To initiate FMLA leave and its protections, employees must inform their Department Manager of their need for FMLA qualifying leave and the anticipated and duration of the leave, if known. Employees need not specifically request "FMLA leave" but rather need to explain the reasons for leave, which will allow the City to determine if the leave is FMLA qualified leave. Simply calling in as sick without providing reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy.

Employees must respond to the City's questions to determine if absences might qualify for FMLA leave. When planning medical treatment, employees should consult with the City Administrator when giving notice and make reasonable efforts to schedule the leave so as not to unduly disrupt the Organization's operations. Failure to provide adequate notice may result in delay of approved leave.

While on Leave

While on leave, employees are requested to report periodically to the City regarding the status of the medical condition and their intent to return to work. Employees are not to take another job while on family/medical leave or any other approved/authorized leave of absence is grounds for immediate dismissal as permitted by the extent of the law.

FMLA Medical Certification

Using an approved form, employees must provide a written medical certification from a health care provider demonstrating the need for FMLA leave within fifteen (15) calendar days of the request. Failure to provide certification may result in a denial of continuation of leave. If the certification is insufficient or requires clarification, employees should provide the requested information within seven (7) calendar days.

Required Use of Paid Leave

If the employee has accrued paid time off (such as medical leave or vacation time), the employee must use that paid time simultaneously with FMLA leave at the time the FMLA leave commences. When the accrued paid time is exhausted, the remaining FMLA leave is unpaid leave.

Disability Leave for the birth of the child and for an employee's own serious health condition, including workers' compensation leave (to the extent that it qualifies) or short or long term disability, will be designated as FMLA leave and will run concurrently with FMLA leave.

Intermittent or Reduced Schedule Leave

An employee may seek intermittent leave or a reduced work schedule under the FMLA, provided the arrangement does not unduly disrupt operations. This leave may be used in a minimum of fifteen (15)-minute increments.

The City may temporarily transfer an eligible employee to an available alternative comparable position (without a reduction in pay or benefits) if the alternative position would better accommodate the intermittent or reduced schedule.



When leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the City's operation.

Special Rules for Married City Employees

For FMLA leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, eligible spouses who are both employed by the City may only take a combined total of twelve (12) weeks of leave. For FMLA to care for a covered servicemember, an eligible husband and wife may only take a combined total of twenty-six (26) weeks of leave.

Benefits During FMLA Leave

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

- The employee on FMLA leave is required to pay his/her portion of the group insurance premium(s). While utilizing paid time off during FMLA leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid FMLA leave, the employee must make this payment, either in person or by mail.
- If the employee misses a payment and the City pays the premium on behalf of the employee, the City will require the employee to reimburse the City.
- If the employee contributes to any of the supplemental insurance plans, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits, and if such a request is made, must pay their portion of the premiums. If the employee does not continue these payments, the City may discontinue coverage during the leave. If the employee misses a payment and the City pays the premium on behalf of the employee, the City will require the employee to reimburse the City.

Return to Work from FMLA Leave

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. An employee returning from FMLA leave will be required to present certification from his/her health care provider that the employee is able to resume work. The City may deny restoration to employment until an employee submits the fitness-for-duty certificate.

Employer Notice Requirements

The employee will be notified by the City that:

- The requested leave may be counted against the employee's annual FMLA leave entitlement;
- The employee may be required to furnish medical certification of a serious health condition. If required, the employee must furnish certification within 15 days or the City may delay the commencement of the leave until the certification is submitted;
- The City will inform you if the medical certification(s) you provided are incomplete or insufficient and will provide you at least seven (7) calendar days to cure these deficiencies; the City will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certification(s).
- With your permission, the City (through individuals other than an employee's direct supervisor) will contact your health care provider to authenticate and/or clarify completed and medical



certifications. In the event you choose to deny the City the authority to reach out to your health care provider to clarify and/or authenticate your certification(s), the City may deny FMLA leave if certifications are unclear; If the City has reason to doubt initial medical certifications provided by you, the City may require employees to obtain a second opinion at the City's expense. In the event that the initial and second health care providers opinions differ, the City may require employees to obtain a third, and final/binding opinion, from a healthcare provider designated and approved jointly by the City and the employee and this will be at the expense of the Organization.

- The employee will be eligible to continue his or her current level of benefits during leave. If the employee normally pays a portion of the premiums for his or her health and welfare benefits, these payments will continue during the period of FMLA leave. Arrangements for payment will be discussed with the employee prior to the leave. Generally, premiums will continue to be withheld from any pay due the employee while on FMLA leave. When paid time expires, the employee will be responsible for the balance of premiums due. The employee will have a minimum 30-day grace period in which to make premium payments after their return to work and should arrange to make payment to the City by contacting the City Administrator. If payment is not made timely, the employee's group health and welfare benefits may be cancelled provided the City notifies the employee in writing at least 15 days before the date that the coverage will lapse. If the employee does not return to work following FMLA leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave, or other circumstances beyond the employee's control, the employee may be required to reimburse the City for his or her share of insurance premiums paid on the employee's behalf during the leave;
- If the employee is a highly compensated "key employee" (highest paid 10% of employees at a worksite or within 75 miles of that worksite) restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the City; the City will notify you if you qualify as a highly compensated key employee and if the City intends to deny reinstatement, and of your rights in such instances;
- The employee may be required to furnish recertification for a serious health condition at the request of the City; the City will notify you if re-certification is required and will provide you with at least 15 calendar days to provide the requested medical certification

5.9 MILITARY LEAVE

A military leave of absence will be granted to an employee to serve in the uniformed services of the United States in accordance with applicable law. Persons who perform and return from military service will retain certain rights with respect to reinstatement, seniority, layoffs, compensation and other benefits, as provided by applicable law. Employees who wish to serve in the military and take military leave should contact their Department Manager for more information.

5.10 ADMINISTRATIVE LEAVE

The Department Manager may institute an administrative leave with or without pay when:

- 1 An employee has been arrested for a serious crime and is imprisoned pending trial or released on bail pending trial; or
- 2 An employee has been charged with misconduct while on the job and the misconduct is being investigated or a disciplinary action is pending.



- 3 An employee has filed a complaint of misconduct and the misconduct is being investigated.
- 4 Reasonable suspicion that an employee is under the influence of drugs or alcohol;
- 5 An employee is endangering themselves, other employees, or members of the public; or
- 6 An employee is being grossly insubordinate and causing disruption of normal operations.

Employees may be granted administrative leave by a Department Manager for up to a maximum of thirty (30) days. Requests for additional administrative leave beyond thirty (30) days may only be granted by the Mayor. All normal benefits will continue during the administrative leave.

5.11 INSURANCE

All full-time employees (employees who regularly work thirty (30) hours per week or more) shall be eligible for City-sponsored insurance. Employee contribution rates will be maintained in the City Clerk's Office and will be made available to employees at orientation, during annual open enrollment, or upon request. Policy and plan designs are subject to change. Employees should contact the City Clerk's Office to obtain current information.

Funding availability and levels for employees as well as employees' dependents shall be established by the City Council through the annual budgeting process. The City cannot guarantee coverage nor benefits. The City specifically reserves the right to change or eliminate benefits when deemed necessary. Notwithstanding, the City recognizes the importance of providing competitive benefits to employees.

When an individual employee is required to contribute a portion of the cost of the health care premium due to the employee covering dependents, spouse or family members, the amount of such contribution will be collected via payroll deduction.

In the case of leave from City employment, all costs for individual or family insurance shall be paid by the employee during the period the employee is on extended unpaid leave, on unauthorized leave, or participating in any unlawful work stoppage.

Individual and family insurance coverage may be extended for a temporarily disabled employee drawing worker's compensation. The employee's share of the cost shall be deducted from any compensation due the employee in addition to worker's compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the employer.

No employee shall be entitled to a cash payment of any kind in lieu of insurance coverage.

Insurance coverage shall cease per the group's contractual insurance agreement in place at the time of the employee's separation from employment.

5.12 INTERIM BENEFITS

The City will maintain the same level of coverage under the group health plan for the duration of an employee's FMLA leave.



The employee is responsible for payment of his/her portion of health insurance premiums during such leave just as if he/she were still on the City's payroll. Employees will receive advance notice of the costs, and a schedule for remitting these payments will be provided. If the payment is more than thirty (30) days overdue, the City's obligation to continue health-care coverage ceases. If health care coverage is discontinued because the employee has not made the required interim payments while on FMLA leave, upon the employee's return from FMLA leave, health benefits will be restored to the employee as if the leave had not been taken and the premium payment(s) had not been missed. The City will then recoup the missed payments through payroll deductions.

If the employee does not return from scheduled FMLA leave, except for circumstances beyond the employee's control, the City may consider the employee to have voluntarily resigned and recover all health premiums it paid on the employee's behalf during the FMLA leave. The City may require medical certification of any alleged, continued serious health condition.

5.13 UNIFORMS

Employees are furnished with uniforms and equipment when deemed necessary for completing the mission of the department as determined by the Department Manager. Uniforms are provided by the City. For commissioned employees, the City will provide cleaning of these uniforms on the schedule designated by the Department Manager.

5.14 EMPLOYEE ASSISTANCE PROGRAM

Employee Assistance Programs provide services designed to help employees and organizations meet life challenges and remain healthy, engaged, and productive. The City offers and encourages the use of an Employee Assistance Program for financial, psychological, and legal counseling on a confidential basis. Use of this benefit is strictly confidential and questions about the service should be directed to the [City Administrator/City Clerk](#).

5.15 TIME IN SERVICE AWARD

Beginning January 1, 2023, the City will begin a pilot program providing monetary awards for specified length of service. The pilot program is planned to be three years in length, concluding on December 31, 2025, but it may be extended in the sole discretion of the City. Following the initial pilot period, the City may elect to continue offering the benefit, modify the benefit or cease offering the benefit at its discretion, similar to other benefits offered by the City.

For every three years of completed service, eligible employees may receive a Time in Service Award (in the amount of \$2,500.00 during the pilot period) at the conclusion of the payroll period in which their anniversary date occurs. Employees who are on disciplinary probation at the time of their anniversary may receive a reduced award or no award at the discretion of the City Administrator, in consultation with the Department Head.



STANDARDS OF CONDUCT AND EMPLOYEE DISCIPLINE

6.1 EMPLOYEE CONDUCT

It is important that everyone work together for the good of the City and its employees. The City believes that it is important that employees know and understand what is expected of them. As a result, the City has established Standards of Conduct for all employees. Violation of the City's policies and rules may warrant disciplinary action which may include verbal and written counseling, probation, suspension and/or termination. The City may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination. These disciplinary actions need not be taken in any particular order.

The City's policy regarding discipline in no way limits or alters the "at will" employment relationship, the "appointment process" or the City's right to change an employee's position, title, responsibilities or compensation at any time.

Individual departments within the City may also adopt standards of conduct applicable to employees within a given department.

The following list of employee actions resulting in discipline is illustrative only and not intended to include all types of conduct expected by the City:

1. misrepresenting any job qualification, personal data or other information reasonably necessary to determine ability or capability for job duties or failing to disclose information directly related to determining an employee's ability to perform the job;
2. excessive or unexcused absences from work or failure to attend meetings or scheduled events necessary to satisfactorily perform job functions;
3. direct or indirect insubordination to any supervisor or Department Manager. Insubordination includes, but is not limited to:
 - disobeying a direct command or order which is reasonable and which is communicated by someone with authority to issue the command or order;
 - resisting or defying the supervisor's authority;
 - using insolent or obscene language to challenge a supervisor's authority;
 - failing to follow instructions for performing job functions.
4. using any office or employment position for purposes beyond the reasonable scope of duties of that office or position or for any personal gain not directly related to employment by the City;
5. accepting any gifts, personal services or other remuneration of value to perform job duties, other than ordinary compensation, benefits and awards approved or sanctioned by policies of the Governing Body or by a recognized professional or occupational group or organization;



6. dereliction of job duties;
7. discriminating or harassing an employee or member of the public in violation of City policy or applicable law.
8. releasing or communicating information obtained through employment with the City which is considered confidential, which by law is protected information, or which is authorized for release only through a specific City procedure;
9. failing to adhere to or comply with established rules and regulations for the safety of employees or the public or endangering employees or the public by failing to exercise due care in the performance of job duties;
10. taking action contrary to established City policies or willfully misrepresenting City policies, programs, or issues to the public. Including, but not limited to; employee substance abuse policy and internet usage;
11. incompetence;
12. unprofessional conduct;
13. unauthorized use of City property for any purpose, removing, without permission, any City property from its designated place for personal or unauthorized use or using City property in a manner or for a purpose for which the property was not designed or intended;
14. failing to use appropriate care for City property or intentionally destroying or losing City property;;
15. failing to comply with City's personnel policies and departmental directives;
16. failing to exercise appropriate professional judgment;
17. failing to recognize, respect and comply with a supervisor's authority and/or disregarding the chain of command;
18. any violent, abusive or physical misbehavior;
19. any action of brutality or cruelty;
20. any act of dishonesty;
21. any act or conduct which violates established duties or rights of other employees or the public, including but not limited to rights of privacy or physical safety, sexual harassment, discrimination and/or defamation;
22. any unauthorized act or conduct which could expose the City to civil or criminal liability or any acts or conduct which could result in disrespect for City business operations; or



6.2 DRUG AND ALCOHOL POLICY

In the interest of public and employee safety, the City of Westwood will strive to provide a drug-free and alcohol-free working environment for its employees, and thereby enhance the ability of City employees to deliver safe and efficient service to the community. The safety of the public and City employees, as well as the ability of the City to deliver safe and efficient services to the community, is directly and adversely affected by the use or abuse of unauthorized, prohibited, illegal or controlled substances including alcohol, drugs, and other chemicals.

Employees are prohibited from engaging in any activity that violates the City's policy of maintaining a workforce and workplace free from unauthorized, prohibited, illegal or controlled substances. For instance, it is a violation of City policy for employees to work or to be on City assignment while under the influence of alcohol, illegal drugs or other unauthorized, prohibited, or controlled substances. Note: all references to "illegal drugs and/or unauthorized, prohibited controlled substances," as used in this policy, include "inhalants" as described by state statute.

The City strictly prohibits the consumption, use, manufacture, dispensing, possession, promotion, purchase, sale, transportation, concealment, transfer, or storage of illegal drugs, unauthorized, prohibited, controlled substances related paraphernalia while performing City work or on City assignment. Any illegal drugs and/or unauthorized, prohibited or controlled substances found by the City will be turned over to appropriate law enforcement agents for disposition.

Employees are expected to fully cooperate with City-mandated substance abuse testing programs and policies, and City-mandated searches of City property.

As a condition of employment, employees are required to notify their Department Manager in writing, within five (5) calendar days any conviction, including a plea of "nolo contendere" (no contest) or suspended imposition of sentence, for any violation of a criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance.

Any employee who violates this policy (including any employee who refuses testing or will not cooperate with City-mandated searches of City property) will be subject to disciplinary action up to and including termination from employment. In addition, employees who attempt to destroy, tamper with or adulterate drug test specimens or records will result be terminated.

All information obtained in the course of testing of employees will be kept by the City Administrator~~City Clerk~~, separate from the employee's official personnel file. Disclosures, without employee consent, may occur when:

- a supervisor has a need to know the information;
- the disclosure is compelled by law;
- the information has been placed at issue in a dispute between the employer and employee;
- the information is to be used in administering an employee benefit plan; or
- the information is needed by medical personnel for the diagnosis or treatment of the employee.

Employees who work in positions that involve public safety, the safety of others, or the use of a commercial drivers license (CDL) for City purposes will be required to submit to controlled substance



testing at intervals determined by the Department Manager. Employees with positive test results may be disciplined up to and including termination.

Employees required to have a CDL for City purposes, are required to comply with the City's Drug and Alcohol Testing Policy appended to this Personnel Policy.

Reinstatements

Any person returning to work after a layoff, leave of absence, or any other type of employee payroll separation, seven (7) days or more, may be required to submit to controlled substance testing. Employees with positive test results will not be reinstated.

Reasonable Suspicion/Belief Testing

The following conditions may result in "for cause" controlled substance and/or alcohol testing:

- Reasonable good faith objective suspicion or belief that an employee may be using or abusing illegal drugs, unauthorized, prohibited, controlled substances, or may be under the influence of alcohol and/or inhalants. Circumstances which give rise to such a reasonable suspicion include, but are not limited to:
 - slurred or altered speech;
 - alcohol on breath;
 - inability to walk a straight line;
 - physical altercation;
 - erratic behavior;
 - behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority;
 - possession or observed use of alcohol or drugs;
 - information obtained from a reliable source;
 - unusual or prolonged absences;
 - persistent tardiness;
 - admission of possession or use of drugs or alcohol by the employee;
 - erratic or impaired job performance; or
 - any other behavior or conditions that could reasonably indicate that an employee is using or abusing controlled substances or alcohol in connection with the workforce or workplace.
- Other instances in which information provided to the City strongly suggest a basis for the City to believe an employee is using or abusing controlled substances or alcohol in connection with the workforce or workplace
- Where an employee's job responsibility involves public safety or the safety of others

Post-Accident Testing

If you are involved in a work-related accident or sustain a work-related injury, you will be subject to drug and alcohol testing.

Consequences of Test Results

In the case of testing due to reasonable suspicion/belief, employees may be suspended without pay following the initial specimen collection. If the test results are negative, all other factors indicate that there was no controlled substance use or abuse, and there is no other work rule violation on the part of



the tested employee, the employee will be returned to work and paid for all regularly scheduled time not worked while on suspension.

Positive test results are grounds for immediate termination.

Testing Errors

In the event an employee believes a positive test is in error, the employee may elect, at his/her own expense to contest the results with the medical review officer of the designated testing contractor.

6.3 PUNCTUALITY AND ATTENDANCE

Employees are expected to be ready to start work at the time designated by their supervisor. If a situation makes it impossible for an employee to report for work as scheduled, they are expected to notify their supervisor of the tardiness or absence as soon as possible. The employee must communicate directly with their supervisor or, if the supervisor is not available, to the Department Manager.

Sufficient notice must be given to the City for any absence. Any absence for which the City has not been notified may be considered unexcused and may be subject to discipline up to and including discharge from employment.

Excessive absenteeism, tardiness, or repeated failure to properly notify the City of intended absences or tardiness will not be tolerated and will be cause for disciplinary action up to and including termination. Failure to report for work without notification for two (2) consecutive scheduled workdays may be considered a voluntary resignation.

6.4 APPEAL PROCEDURE

The purpose of this policy is to provide a process for an employee to discuss dissatisfaction with some aspect of their work and to receive careful consideration and a prompt determination. This policy does not apply to complaints of discrimination or harassment. Complaints of discrimination are governed by Policies 2.1 through 2.3.

An employee may make an appeal when he/she is dissatisfied with some aspect of his/her work including but not limited to:

- application of policies (except Policies 2.1 through 2.3);
- disciplinary procedures and actions;
- eligibility for or other decisions concerning benefits;
- performance evaluation/compensation; and/or
- suspension or demotion or termination.

The following items cannot be appealed:

- policy content; or
- work assignments.

The procedures for employees to pursue concerns through the chain of command is outlined below. Supervisors and higher authorities should see that all questions, complaints, and appeals receive prompt, impartial and systematic consideration to determine whether an adjustment is appropriate. Full-time –



regular status employees who have successfully completed the trial/probationary period will be entitled to use the City's Appeal procedures.

It is the employee's responsibility to file appropriate documents for appeal clearly detailing the issues involved in the situation.

Procedures for Appeals Involving Suspension, Demotion or Termination

These procedures apply to (1) non-commissioned full-time employees, and (2) commissioned police officers with a concern other than suspension, demotion or termination.

Procedure for Appeals Involving Termination for Appointed Employees

A majority of all members elect of the governing body may remove any appointed employee. For good cause, the mayor may suspend at any time any appointed officer. No officer or employee shall be removed for any reason until they have been given notice and afforded the opportunity for a hearing before the governing body.

Procedures for All Other Appeals

Step 1. If the employee is not satisfied with the decision of his/her immediate supervisor, they may appeal the decision to the Department Manager. The appeal must be in writing, specify the decision or concern being appealed and be filed with the Department Head within two (2) working days following the immediate supervisor's decision. The Department Head will hold a meeting within seven (7) working days after the employee's timely request for appeal is received (unless impossible due to absences). Staff members may attend the meeting when requested by the employee, supervisor or Department Head so long as they can offer information that is relevant to the decision, as determined by the Department Head. The Department Head will issue written findings, conclusions and/or recommendations to the employee within seven (7) working days after the meeting is concluded (unless impossible due to absences). The Department Head may extend the deadline for issuing written findings, conclusions and/or recommendations based on the totality of all information gathered if the conduct involved is criminal in nature or for good cause shown.

Step 2. If the concern has not been resolved to his/her satisfaction, the employee may appeal to the Mayor through their Department Head. Such appeals must be submitted within seven (7) working days after receiving the Department Head's decision. As soon as is practical of appeal, the Mayor will hold a meeting. Staff members may attend the meeting when requested by the employee, supervisor, Department Head or Mayor, so long as they can offer information that is relevant to the decision, as determined by the Mayor. The Mayor will issue a decision to the employee as soon as is practical after the conclusion of the hearing. The Mayor may extend the timeline for issuing written findings, conclusions and/or recommendations if the conduct involved is criminal in nature or for good cause shown.

6.5 SMOKING AND USE OF TOBACCO PRODUCTS

No employee may smoke or utilize any product made or derived from tobacco, or which otherwise contains nicotine, including but not limited to cigarettes, cigars, pipe tobacco, vaporized smoking products (E-Cigarettes) in any City building or City motor vehicle. This does not include or forbid the use of FDA-approved Nicotine Replacement Therapies such as nicotine gum or lozenges or transdermal nicotine patches. The use of such tobacco products are prohibited in public view and when interaction with the



public is likely. Any employee who is found to have violated any provisions of this policy will be subject to disciplinary action, up to and including termination. Reports of employees' violations of this policy should be made to a Department Manager. Smoking and tobacco use cessation training will be periodically available to employees at a minimal cost. Any employee who smokes or utilizes vaporized smoking products (E-Cigarettes) while working must limit themselves to normal break periods and it cannot be done in a manner which allows the smoke byproduct to infiltrate back into a city owned facility.

6.6 CARRYING OF WEAPONS

The City prohibits any employee from carrying a weapon while working for the City, except for, in accordance with Kansas State Law, legally-qualified civilian employees will be authorized to carry/possess a concealed handgun while engaged in their duties of employment with the following restrictions:

1. The handgun will be carried completely concealed, in a proper holster or similar product, with all safety features in place.
2. Other than certified law enforcement officers, employees may not carry a concealed firearm within the restricted area of the Police Department at any time. The Police Department is defined by the garage area, exterior pedestrian doors on the west and north sides of the building, the conference room door leading directly into the Police Department, both doors by the Court Clerk's desk, and the basement area.
3. Employees are permitted, while on City owned property, to store a handgun within their own vehicle provided it is stored outside of plain view and the vehicle is locked when the employee is not in the vehicle. The City is not responsible for the theft, damage, or other loss of a firearm.
4. Employees may not store a firearm in a vehicle owned by the City of Westwood when they are not in the vehicle, unless it is stored in a commercially approved lock box acquired at the employee's expense.
5. If an employee elects to lawfully conceal carry, the handgun cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
6. Employees who enter onto "private property" during the course of their duties are required to comply with any restrictions imposed by that property owner.
7. Employees will not leave firearms in plain view and/or unattended.
8. Other than certified law enforcement officers, it is outside the course and scope of employment for any City employee to use a weapon, brandish, point, or threaten with a handgun or any other weapon, any person in the workplace or while completing their duties.
9. Employees must abide by the posted signage and security measures with regard to the prohibition of concealed handguns in certain public buildings, in compliance with Kansas state law.

Violation of this policy may result in punitive disciplinary action including termination.

6.7 WORKPLACE SAFETY AND SECURITY

The City strives to make its working environment as safe as possible and to eliminate or reduce conditions that may result in injury. Employees are expected to carry out their job duties in a safe manner. Employees are required to utilize required safety equipment and gear for all job-related functions. Employees are



required to immediately report any workplace hazards or safety concerns to their supervisor or Department Manager. Additionally, any job-related injury or illness, regardless of severity, must be immediately reported to the employee's supervisor or Department Manager in order to provide prompt and trained evaluation and medical attention if necessary.

All employees are expected to help maintain the security of the workplace. Employees are required to report the presence of any suspicious persons to their supervisor or Department Manager immediately. Employees must be aware of the location of any keys, security passes and identification badge(s) assigned to them at all times. Employees may not lend these items to anyone who is not authorized to possess them. Similarly, any computer passwords, security codes, and other such information must not be disclosed to anyone who is not authorized to have that information.

General Safety Rules

These rules apply to all employees. In addition, Managers may institute rules specific to their operational responsibility in order to achieve safety:

- Never operate any machinery or equipment unless specifically authorized to do so by the supervisor responsible for that equipment;
- Do not use defective equipment or tools. Report defects immediately to your Manager;
- Obtain full instructions for operating any machine with which you are not familiar;
- Never begin any hazardous job unless you are completely familiar with the proper techniques and precautions which apply to the job. Check with your supervisor when in doubt;
- Make sure all guards and other safety attachments are properly installed and adjusted before operating any piece of equipment or beginning any hazardous job;
- Do not operate any piece of equipment at unsafe speeds or in excess of its rated capacity;
- Wear all protective clothing and equipment required for the job. Avoid clothing or other items that would offer poor protection or that might be caught in machinery;
- Never attempt to repair, adjust or lubricate a machine unless you have been authorized to do so. Never attempt to repair, adjust or lubricate a machine while it is in operation. Never attempt to repair or adjust electrical equipment unless the power switch has been properly turned off;
- Put all tools and equipment away when not in use;
- Do not attempt to lift any item which is too heavy or bulky to be handled by one person – ask for help;
- Keep all aisles, stairways and exits clear of debris and stored items;
- Do not place equipment or materials so as to block emergency exit routes, fire extinguisher, sprinkler controls, machine controls or electrical control panels;
- Stack all working materials neatly and make sure the stacks are stable;
- Keep your work area and all Organization facilities clean and neat;
- Do not run, participate in horseplay, or distract fellow workers.

6.8 INFORMATION TECHNOLOGY USE

The City strives to provide the information technology resources and equipment necessary to conduct City business efficiently and to serve the public interest. Information technology resources are to be used productively for the benefit of the City and in furtherance of City business. While the City recognizes there may be some occasional short-term personal usage of the City's information technology, it is the responsibility of employees to use common sense in their approach to the usage of these resources and to use them in an efficient, ethical, and lawful manner.



For purposes of this policy, “information technology resources” are defined as all communication and computing devices and systems including, but not limited to, computers, internet connections, intranets, networks, servers, routers, switches, pagers, cell phones, PDA’s, tablets, facsimile machines, printers, scanners, e-mail or other electronic communication devices, voice mail, storage systems, other devices, and any data transmitted to or from or stored or kept in any of the above.

All information technology resources purchased by the City and provided to employees for use in the course of their job duties, including all messages and data sent, received, or stored on such resources, are the property of the City. Users shall have no expectation of privacy in their use of the information technology resources. Passwords or access codes the City provides to any user to access the City’s information technology resources are granted solely for the purpose of ensuring and maintaining the security of the system and do not provide or create any personal right or expectation of privacy for any user. Users may not disclose to any third party any information technology resources passwords unless required or permitted by this policy or applicable law.

The City reserves the right to deem other uses of information technology resources as inappropriate and in violation of this policy where the use would violate this policy, other City policies, rules, or regulations, or would violate applicable federal, state, or local laws, rules, or regulations.

However, the City recognizes that random monitoring or intercepting of emails, as a normal course of business, without due cause or the consent of the sender or receiver of those emails, can reduce faith in that communication system. Therefore, that practice shall not be undertaken lightly and without the express permission of the Mayor and Council for a specific situation, during a specific timeframe that will not be open ended.

Further, those who are tasked with the safekeeping of information technology access, passwords, and intellectual properties associated to the information technology functions for the City must protect those resources.

6.9 PERSONAL APPEARANCE

Acceptable personal appearance is an ongoing requirement for employment with the City. It is important that all employees have a clean, neat, and appropriate appearance while on duty. Department Managers may require employees to wear a uniform or other appropriate attire where deemed necessary.



SEPARATION

7.1 EMPLOYEE SEPARATION

An employee who resigns should give at least ten (10) working days notice. Employees who resign without giving a minimum of ten (10) working days' notice shall not be eligible to receive pay for any accrued benefits other than unused vacation.

When a future date is established for separation, immediate removal from duties may occasionally be desirable to minimize the adverse effect on other employees or to allow the separated employee to seek new employment. In such cases, up to ten (10) days' pay may be provided in lieu of notice, in the City's sole discretion. The prior approval of the Department Manager, or in the event the employee is a Department Manager the Mayor, must be secured.

7.2 RETIREMENT

All employees of the City employed within covered positions as defined under the Kansas Public Employees Retirement System or the Kansas Police and Fire Employees Retirement System shall be enrolled as members and shall be subject to all laws and supplemental regulations governing such membership and retirement.

Upon retirement, employees are eligible for the following:

- Payment for earned but unused vacation in the amount of 100% of the value of unused vacation; and,
- Payment for earned but unused sick leave in the amount of 50% of the value of unused sick leave.

The total value of these benefits cannot exceed the maximum allowed by KPERS/KPF without additional expense to the employer or 15%, whichever is less, of the employee's gross earnings for the preceding year.

7.3 EXIT INTERVIEWS

Department Managers and/or the Mayor may conduct an exit interview of departing employees to determine and document the reasons employees leave the City.

7.4 PAY ON TERMINATION

An employee who terminates voluntarily or who is terminated for cause will receive their final paycheck on the first regularly scheduled payday following termination.

Employees discharged for cause or those who voluntarily terminate without giving a minimum of ten (10) working days' notice shall not be eligible to receive pay for any accrued benefits other than unused vacation.

7.5 PAY RECORDS

The City Clerk shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, floating holidays, accrued overtime and the time taken for each of the preceding. Such records shall be available at all reasonable times for inspection.



MISCELLANEOUS

8.1 POLITICAL ACTIVITY

It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations, or groups and to become involved in political activities subject to the restrictions of this section.

- a. As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office and where holding an appointed or elective public office is incompatible with the employee's City employment.
- b. Employees are not permitted to make public endorsements of a candidate for an elected City office or to make cash or non-cash contributions to such a candidate.
- c. Any employee desiring to become a candidate for City elective office shall first take leave of absence without pay or resign. Should the employee be successful, they will be required to resign their position with the City. Should the employee be unsuccessful in seeking such elective office, he or she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- d. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons, or signs on their person or on City property during on duty hours.
- e. No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- f. The purpose of this policy is to avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political activities.



8.2 BOARDS AND COMMISSIONS

Employees are not permitted to be a member of councils, boards or commissions that are advisory or administrative to the City of Westwood, City of Westwood Hills, and City of Mission Woods so long as the City of Westwood provides contractual services to them.



City of Westwood, Kansas
City Council Work Session
4700 Rainbow Boulevard
September 8, 2022 – 6:00 PM

Council Present: David E. Waters, Mayor
Jeff Harris, Council President
Andrew Buckman, Councilmember
Jason Hannaman, Councilmember
Laura Steele, Councilmember – via Zoom
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Curt Mansell, Chief of Police
John Sullivan, Director of Public Works
Ryan Denk, City Attorney

Call to Order

Mayor David E. Waters called the work session to order at 6:00 p.m. on September 8, 2022. The meeting was held in a hybrid manner with attendees being able to join in person and virtually via Zoom.

Municipal Facilities Assessment and Feasibility Analysis Presentation

In September 2021, the Governing Body held a work session to discuss a plan of action for determining the future of public lands in Westwood. As a result of that work session the following plan achieved consensus from the Governing Body and provided direction to staff to execute:

1. Engage the Urban Land Institute to conduct a follow-up [to the 2015] Technical Assistance Panel (TAP) to: (a) evaluate highest and best use for the corners of 47th & Rainbow and 50th & Rainbow Blvd. to maximize long-term economic and social impact for the community, (b) recommend the best location of municipal facilities, and (c) recommend ways in which Westwood could further the objectives of providing quality accessible and affordable housing. This was conducted and concluded in Fall 2021.
2. Conduct a City facilities analysis of existing buildings, including an assessment and cost estimate of deferred maintenance and optimal site selection, if different from the current location of City facilities. This analysis commenced in June 2022 following consultant selection during the Spring of 2022. The final consultant presentation of findings is on tonight's work session calendar.
3. Reconvene at the conclusion of the City facilities analysis in the Fall of 2022 to determine strategic direction for the southwest corner of 50th & Rainbow and the southwest corner of 47th & Rainbow. Formal plans have not yet been made for when and how this will be conducted by the Governing Body.
4. Execute the plan of action, possibly including issuing RFP's for private development opportunities.

In executing this plan of action, the Mayor convened a steering committee of eight (8) individuals to:

a. Review and approve a study scope and Request for Qualifications (RFQ) for consultant teams, as prepared by City staff;

- b. Serve on the professional services firm interview and selection committee; and
- c. Guide the work of the retained professional services firm and provide input on their questions throughout the study period.

This steering committee is comprised of:

- Westwood Mayor – David Waters
- Westwood City Council – Holly Wimer
- Westwood Planning Commission – David Kelman
- Westwood Foundation – Sean O’Brien
- Westwood community at-large – Lisa Fielden
- Westwood City Administration – Leslie Herring
- Westwood Police – Chief Curt Mansell
- Westwood Public Works – Director John Sullivan

A timeline of the steering committee’s work to-date is as follows:

- February 4 – Convene to review draft RFQ and to provide direction to staff
- February 8 – Publish RFQ and invite respondents
- February 22 – Hold RFQ pre-proposal meeting to respond to questions from potential respondents
- March 2 – Host pre-proposal facilities tour for benefit of potential respondents
- March 11 – RFQ response period closes
- March 14 – Convene steering committee to review responses and to determine who to invite for interviews
- March 31 and April 4 – Hold firm interviews
- April 4 – Steering committee determines which firm to recommend to the City Council for consideration April 14 – Consideration of entering into an agreement for services with the consultant team recommended by steering committee
- May 11 – Execute professional services agreement following attorney review
- May 26 – Study process kick-off meeting with steering committee
- June 3 – 8 – Site evaluations and staff and steering committee interviews
- June 23 – Steering committee status meeting with consultant team
- July 13 – Community conversation and public information session to receive direction, questions, and concerns from the general public
- August 25 – Steering committee status meeting with consultant team
- September 8 – Public presentation of study findings

In total, eight (8) responses to the RFQ were received and four (4) teams were interviewed. The entire process was conducted in a manner that encouraged competitive bidding, certainty and transparency, and structured analysis of each team’s qualifications, experience, and approach to the objectives of the project. Ultimately, the steering committee recommended Multistudio (fka Gould Evans) to the City Council for consideration of an agreement to perform the work to achieve the Governing Body’s stated objective in the adopted plan of action and to build upon the work of the 2015 ULI TAP, the 2017 Master Plan, and the 2021 ULI TAP.

Multistudio firm representatives Nick Christopher, Sam Loring and Dennis Strait presented at the Governing Body work session their findings to the City Council, City staff, and members of the public. The full presentation was included in the evening’s agenda packet.

Mayor Waters noted at the end of the presentation that any comments by members of the public will be heard during the Public Comment Section of the regular City Council meeting.

Adjournment to Regular Meeting

Motion by Councilmember Hannaman to adjourn the meeting. Second by Councilmember Wimer.

Motion carried by a 5-0 voice vote. The work session adjourned at 6:59 p.m. to prepare for the regular City Council meeting.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Leslie Herring, City Clerk

**City of Westwood, Kansas
City Council Meeting
September 8, 2022 – 7:00 p.m.**

Council Present: David E. Waters, Mayor
Andrew Buckman, Councilmember
Jeff Harris, Council President
Jason Hannaman, Councilmember
Laura Steele, Councilmember – via Zoom
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Curtis Mansell, Police Chief
John Sullivan, Public Works Director
Ryan Denk, City Attorney

Call to Order

Mayor David E. Waters called the meeting to order at 7:00 p.m. on September 8, 2022. The City Clerk called the roll. A quorum was present. The evening's meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

Approval of Agenda

Motion by Councilmember Harris to approve the September 8, 2022 City Council meeting agenda as submitted. Second by Councilmember Buckman. Motion carried by a 5-0 voice vote.

Public Comment

Clancy Merrill, 4930 Belinder Ave., asked the Governing Body to consider the size of the City Hall that was proposed during the facilities study presentation. Mr. Merrill said the Governing Body could also consider collocating Public Works facilities with neighboring municipalities' public works departments like Fairway, Roeland Park or Prairie Village. Mr. Merrill asked that the Governing Body provide an explanation of the decision-making process when considering the facilities assessment scenarios.

Ken Low, 2700 W. 50th Ter., thanked the Governing Body for the facilities assessment presentation. Mr. Low said the Governing Body should consider the revenues from Woodside Village when considering the redevelopment of the land that City Hall is currently located on.

Jim Orr, 4907 Belinder Avenue, said he was startled by the numbers he heard during the facilities assessment presentation. Mr. Orr said the Governing Body should spend any extra funds the City may have on City staff salaries instead of updating its facilities. Mr. Orr said he thought that City Hall seemed third rate and shabby over the last few years and encouraged the Governing Body to repair City facilities only on an emergency basis.

Jennifer Merrill, 4930 Belinder Ave., asked the Governing Body if there was consideration given to purchasing the old Westwood View building and retrofitting it to serve as a municipal building. Mayor Waters said the idea was considered during the facilities assessment among many other alternatives.

Jan Kyle, 4946 Belinder Ave., said she agreed with the sentiments Mr. Orr presented during his public comment.

Jayme Tebow, 4952 Norwood St., said she agreed with other residents that have made public comments that evening. She said she would like to see City Hall remain where it is currently located. Mrs. Tebow said the community should be totally informed about this process.

Public Hearings

Consider Resolution No. 109-2022 approving a tax rate in excess of the Revenue Neutral Rate for the 2023 budget year

Over the last several months the Council and staff have worked to develop the 2023 budget. The Governing Body reviewed the recommended budget on July 14th and approved the notice to exceed the Revenue Neutral Rate on that same date.

The Revenue Neutral Rate is the tax rate in mills that will generate the same property tax in dollars as the previous tax year using the current tax year's total assessed valuation. In Westwood, the Revenue Neutral Rate would be 19.402 mills. The 2023 recommended budget requires a total mill rate of 21.197, flat with the 2022 rate.

Per Senate Bill 13, the recommended budget requires a Revenue Neutral Rate hearing to exceed the revenue neutral rate provided by the County Clerk. Notice of intent to exceed the Revenue Neutral Rate was provided to the County Clerk before July 20th and the notice of public hearing was published on August 30, 2022. The public hearing will occur at the beginning of the September 8, 2022 meeting. The adoption of the 2023 budget will occur following the adoption of the Revenue Neutral Rate resolution. Staff recommends the City Council approve a resolution adopting a tax rate in excess of the Revenue Neutral Rate for the 2023 budget year.

The budget maintains the same level of services as the 2022 budget. Funding the budget with existing services does not require an increase to the mill levy rate, however it does exceed the Revenue Neutral Rate due to revenue that will be received from increased property valuations. The 2023 recommended budget has a total mill rate of 21.197, flat with the 2022 rate.

Mayor Waters opened the public hearing to exceed the Revenue Neutral rate for the 2023 budget year. No comments were made. Mayor Waters closed the public hearing.

Motion by Councilmember Hannaman to approve Resolution No. 109-2022 approving a tax rate or mill levy rate in excess of the Revenue Neutral Rate for the 2023 budget year. Second by Councilmember Wimer. Mrs. Herring performed a roll call vote. Motion carried with a 5-0 vote.

Consider Resolution No. 110-2022 adopting the fiscal year 2023 annual budget

The City will hold the required Revenue Neutral Rate and 2023 budget hearing on September 8th, prior to adopting a Resolution to Exceed the Revenue Neutral Rate. Both steps must occur prior to budget adoption. Once submitted to the County Clerk, the budget sets the budget authority for each fund. The City is authorized by K.S.A. 79-2929a to amend the budget before December 31st to spend money not in the original budget. The additional expenditures have to be made from existing revenue and cannot require additional tax levies.

Additional budget information can be found on the City's website or in the 2023 Budget Book included in the evening's agenda packet.

Mayor Waters opened the 2023 fiscal year budget hearing. No Comments were made. Mayor Waters closed the hearing.

Motion by Councilmember Harris to approve Resolution No. 110-2022 adopting the 2023 budget as certified in the amount of \$5,349,860 with ad valorem tax in the amount of \$798,279. Second by Councilmember Buckman. Mrs. Herring performed a roll call vote. Motion carried by a 5-0 vote.

Presentations and Proclamations

No presentations or proclamations were made.

Consent Agenda

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion. There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. Consider August 11, 2022, City Council Meeting Minutes
- B. Consider August 17, 2022 City Council & Planning Commission Joint Work Session Minutes
- C. Consider Appropriations Ordinance 742

Motion by Councilmember Hannaman to approve the Consent Agenda as submitted. Second by Councilmember Harris. Mrs. Herring performed a roll call vote. Motion carried by a 5-0 vote.

Mayor's Report

Mayor Waters provided an overview of events he attended and planned to attend as Mayor in the recent and upcoming weeks.

City Councilmember Reports

- Councilmember Hannaman had nothing to report.
- Councilmember Buckman noted the Go Green Environmental Fair will be held on Saturday, September 17th at the Sylvester Powell Community Center in Mission.
- Councilmember Wimer noted Oktoberfest is October 1st in Joe D. Dennis Park. Councilmember Wimer noted that Westwood Women's Club will resume regular meet
- Councilmember Harris noted that there will be a Community Meeting for the Communities for All Ages will be held on Saturday, October 8th at City Hall.

Councilmember Harris noted that the Mid America Regional Council will sunset their involvement with the Communities for All Ages program in 2024. Councilmember Harris said he did not anticipate any interruption with the City's current timeline for the certification goal.

- Councilmember Steele had nothing to report.

Staff Reports

Administrative Report

Mrs. Herring provided an overview of the September 2022 Administrative Report included in the agenda packet and offered to answer questions.

Public Works Report

Mr. Sullivan provided an overview of the August 2022 Public Works Report included in the agenda packet and offered to answer any questions.

Public Safety Report

Chief Mansell provided an overview of the August 2022 Public Safety Report included in the agenda packet and offered to answer questions.

Treasurer's Report

The August 2022 Treasurer's Report was included in the agenda packet for review. No questions or comments were made about the report.

City Attorney's Report

Mr. Denk had nothing to report.

Old Business

No old business matters were considered.

New Business**Consider Employment Agreement with Leslie Herring for the Position of City Administrator and Administer Oath of Office**

Following its October 2021 professionally-facilitated retreat, the Governing Body discussed at a series of open work sessions and meetings the City's form of government and the appointment of a City Administrator. In May 2022, the City Council adopted Charter Ordinance No. 19 providing for the appointment of a professional City Administrator to take policy direction from the Governing Body and oversee the day-to-day operations, service delivery, and staff of the City government. Such Charter Ordinance became effective July 22, 2022.

Leslie Herring has served the City of Westwood as Chief Administrative Officer/City Clerk since May 2020. The proposed employment agreement has been negotiated with Ms. Herring and is subject to approval by the City Council. The agreement was discussed in executive session of the Governing Body at its August 11, 2022 meeting. Appointment of Ms. Herring as City Administrator will occur by the issuance of the Oath of Office by Mayor Waters following approval of the employment agreement by the City Council.

Motion by Councilmember Harris to ratify the Mayor's appointment of Leslie Herring as City Administrator for the City of Westwood and approval of the employment agreement with Leslie Herring for the position of City Administrator. Second by Councilmember Hannaman. Motion carried by a 5-0 vote.

Mayor Waters administered the Oath of Office for Mrs. Herring.

Consider allowing the consumption of alcoholic beverages in the City park during the Oktoberfest event, to be held on Saturday, October 1, 2022

Oktoberfest is scheduled to be held on Saturday, October 1, 2022 from 4:00 to 8:00 PM. at Joe D. Dennis Park, 50th and Rainbow Blvd. The event will be moved to the following Saturday, October 8th, in the event of inclement weather.

City staff has been directed to prepare and bring forward an action for Council consideration to allow alcoholic beverages to be provided and consumed during this event.

Article 12-206(3) of the Westwood Municipal Code allows for alcoholic beverages inside the park with the approval of the Governing Body. Staff recommends that the City Council grant a special exception to allow the provision and consumption of alcoholic beverages on City grounds on Saturday, October 1, 2022, from 4 – 8 PM, with a rain date of October 8, 2022.

Motion by Councilmember Wimer to approve the provision and consumption of alcoholic beverages on City-owned property at 5000 and 5050 Rainbow Blvd. during the City's annual Oktoberfest event on Saturday, October 1, 2022, from 4 – 8 PM, with a rain date of October 8, 2022. Second by Councilmember Buckman. Motion carried with a 5-0 voice vote.

Announcements/Governing Body Comments

Councilmember Steele congratulated Mrs. Herring on the approval of her employment agreement and said the City is fortunate to have her on staff.

Executive Session

No matters required an Executive Session during this meeting.

Adjournment

Motion by Councilmember Hannaman to adjourn the meeting. Second by Councilmember Harris. Motion carried by a 5-0 voice vote. The meeting adjourned at 8:18 p.m.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Leslie Herring, City Clerk



City Administrator's Report

October 2022

To: Mayor and City Council
From: Leslie Herring, City Administrator
Date: October 13, 2022
RE: Update on some of the key areas of focus of the Administration Department

Current Priorities

3rd Quarter (October) 2022 through 1st Quarter (March) 2023

- *Public Property and Facilities Course of Action Establishment and Execution*
 - In preparation for a City Council work session at the November 10th meeting, City staff is working with the Facilities Steering Committee to approve a public/community engagement plan over the next month. The Governing Body will be asked at the November work session to discuss the data, public response to-date on the various aspects of the decisions around land use and City facilities, and to provide direction to staff as to next steps to execute planning and preparation for the various public properties studied to-date.
- *Rainbow Blvd. Complete Streets Traffic Management Plan*
 - City staff will work with key project stakeholders and MARC staff to develop the Request for Proposals for consultant selection for this project. Once an RFP issuance date and project timeline is established by and with MARC, City staff will provide such information and additional details to the Governing Body and other project stakeholders engaged to-date.
- *Communities for All Ages – Silver Level Recognition*
 - The City is expected to have met all the criteria for Bronze level recognition in October 2022 and be awarded recognition in December.
 - Silver level recognition is a facilitated assessment of the City by a task force established by the City for this purpose. City staff will work with Council President Jeff Harris and MARC staff to embark on this next level of recognition once the Bronze level recognition is achieved.
- *Update the City's Website*
 - City staff is working with the website vendor to establish a timeline for the new City website. It is anticipated that the process will take about 12 weeks from the date of contract execution to launch.
- *City Policy Updates*
 - Following work over the past year in various areas of the City, the following policy documents are requiring updating to reflect decisions made by the Governing Body and in anticipation of future decision-making expected of the Governing Body:
 - Governing Body Handbook
 - Employee Handbook/Personnel Policy

- Financial and Purchasing Policy
- Economic Development Policy
- Comprehensive Plan
- *Evaluation of Fees and Establishment of Master Fee Schedule*
 - Not yet started.

Building Permits

The following is a snapshot of select building permits of note issued last month:

Residential

New Construction:

- 2502 W. 50th Place – new single-family home (new house to be constructed by existing property owner)

Additions:

- 3003 W. 49th Terrace – Expand primary bedroom, add bathroom and closet; add mud room
- 2705 W. 51st Terrace – Add deck off detached garage

Alterations: None

Demolition:

- 2502 W. 50th Place – demolition of existing single-family home

Misc: None

Commercial

New Construction: None

Additions: None

Alterations:

- 2701 W. 47th Street – Installation of temporary wind screen on dining room patio (Lulu's Thai Noodles)(SPA 2022-01 scheduled for consideration by the Planning Commission on November 7, 2022)

Demolition: None

Misc: None

Westwood Public Works Monthly Report

TO: GOVERNING BODY
FROM: JOHN SULLIVAN, DIRECTOR OF PUBLIC WORKS
RE: MONTHLY REPORT, SEPTEMBER 2022
DATE: OCTOBER 12, 2022

Some of the activities for Public Works in September include:

1. Daily collection of trash from City Hall and City Parks.
2. Perform a weekly inspection of the playground equipment and park facilities.
3. Perform a weekly inspection of the traffic control signs throughout the city; replace poles and signs as required.
4. I prepared the Purchase Orders and documentation for those purchases.
5. Performed routine maintenance at the City Hall to include the servicing of the air handling equipment, re-lamping fixtures and repairing or installing appurtenances including plumbing fixtures.
6. I represented the city at various meetings to include:
SMAC Meeting – 1 hr. – In person
CARS TRC Meeting – 1hr. – In person
KCMMB Meeting – 1 hr. – Virtual
7. Received, via email, Kansas One-Call Locate Requests, advised callers of their status with the City of Westwood regarding utilities and advised, when appropriate, the need to either get an excavation permit, building permit or fence permit. I provided the building official with a copy of the locate requests for follow-up for any building permits that may be required and answered any questions when asked.
8. We performed routine maintenance on the Public Works vehicles and equipment to include fluid services, cleaning, and general repairs.
9. Routine maintenance of the Public Works Facility to include the air handling equipment, plumbing, electrical, and cleaning.
10. Performed various clerical duties for the Public Works Department's daily functions.
11. I attended Public Works, City Council and Staff and Committee meetings as required.
12. Observed activities associated with ROW Permits.
13. We marked streetlight utilities when requested by the One-Call System.
14. We performed monthly safety checks at all City properties as well as monthly fire extinguisher inspections.
15. Mitch is attending monthly Safety Committee Meetings.
16. We swept the city streets of debris.
17. We loaded roll off containers from the street sweeping efforts.
18. We patched potholes.
19. We cleaned the gutters on the public buildings.
20. We performed weekly mowing and trimming of various City grounds.
21. We performed streetlight repairs, various location
22. We trimmed tree limbs from in front of street signs and at intersections.

23. We put out temporary signs for the City Wide Garage Sale.
24. We caulked the joint between the wall and new sidewalk on W. 50th Street.
25. We assisted PD with traffic control on Shawnee Mission Parkway associated with a large piece of construction equipment broke down on the parkway.
26. Removed brush from a downed tree from the roadway.
27. Mitch has been working with the building owner at 1901 W. 47th Place to resolve a water leak from that property causing damage to the street.
28. Mitch repaired an electrical conduit for our W. 47th Street street lighting that was damaged by unknown utility.
29. We removed numerous boxes from the City Hall Basement for shredding at the shredding event.
30. We put out the block party barricades for the school.
31. We replaced the sod associated with the new sidewalks that connected to the school sidewalks.
32. We serviced the street sweeper in preparation for leaf pickup.
33. We installed no parking signs associated with the Bishop Miege Football game.
34. We provided traffic control on Mission Road for a water main break until WaterOne could respond.

This concludes my activities report for some of the activities for Public Works in September.

To: Governing Body
From: John Sullivan, Director of Public Works
Date: October 12, 2022
Re: Monthly Status Report

- W. 47th Street Project: The gas project is complete. The Board of Public Utilities will be installing new services to the residents on the KCK side of the street over the next two months. I have not been officially informed by KDOT as to when the project will begin but I have told it probably will be next March. We have received all of the street lighting equipment and we have secured a storage area at a BPU facility in Kansas City, Kansas to store all of the equipment.
- Westwood View School Project: We have done the restoration on the yards associated with the new sidewalks. The street patch at W. 50th Street and Booth Street is complete. The installation of the crosswalk at that location and the two to be installed at W. 49th Terrace and Belinder Avenue is supposed to occur this week. The two additional flashing beacons are in the process of being installed and should be complete this week.
- Pavement Evaluation: The survey data has been received and Leslie has created a visual map indicating the pavement ratings. We are still awaiting the curb and gutter and sidewalk assessment data.

WESTWOOD					
Sep-22					
ACTIVITIES / OFFENSE	THIS MONTH	22-YTD	21-YTD	22-Avg	CHANGE
<i>PART I CRIMES</i>					
MURDER					No Change
RAPE					No Change
ROBBERY		1	2	0.10	-1
BURGLARY					
BUSINESS		2	1	0.20	1
RESIDENTIAL		3	1	0.30	2
VEHICLE	1	33	7	3.30	26
MOTOR VEH THEFT	1	6	3	0.60	3
LARCENY / THEFT	2	24	8	2.40	16
ASSAULT / BATTERY	1	1		0.10	1
ARRESTS					
FELONY	1	4	1	0.40	3
MISDEMEANOR		2	1	0.20	1
TRAFFIC		1	1	0.10	No Change
DRUG	1	7	7	0.70	No Change
DUI		1	1	0.10	No Change
WARRANTS	3	38	32	3.80	6
CONFINED					No Change
SUMMONS					
HAZARD	21	145	88	14.50	57
NON-HAZARD	42	456	258	45.60	198
DUI		1	1	0.10	No Change
ORD. VIOLATION	5	21	61	2.10	-40
ACCIDENTS					
NON-INJURY	3	16	9	1.60	7
INJURY	1	8	3	0.80	5
PRIVATE PROPERTY	1	9	4	0.90	5
ADMIN.DUTIES-PD	45	528	114	52.80	414
ADMIN.DUTIES - CITY	1	129	10	12.90	119
ALARM	9	55	46	5.50	9
ANIMAL	2	27	23	2.70	4
ASSIST - POLICE	28	136	41	13.60	95
ASSIST - PUB MOTOR	15	168	70	16.80	98
BLD. CHECK-SHAKE		21	43	2.10	-22
BLD. CHECK-PATROL	1115	7630	6122	763.00	1508
BUSINESS CHECK	247	1087	1369	108.70	-282
CIVIL MATTER	1	47	2	4.70	45
EXTRA PATROL HAZARD					No Change
EXTRA PATROL NON HAZ					No Change
EXTRA PATROL DUI					No Change
EXTRA PATROL ORD.					No Change

WESTWOOD

Sep-22

ACTIVITIES / OFFENSE	THIS MONTH	22-YTD	21-YTD	22-Avg	CHANGE
CRIMINAL DAMAGE	2	5	2	0.50	3
DISTURBANCE	8	19	8	1.90	11
DISORDERLY CONDUCT					No Change
FIELD INTERVIEW FORM					No Change
FIRE	1	6	7	0.60	-1
FOLLOW UP	16	100	48	10.00	52
INFO / INVEST		25	42	2.50	-17
JUVENILE		6	6	0.60	No Change
MENTAL HEALTH					
SUICIDE					No Change
ATT SUICIDE					No Change
INVOLUNTARY COMMITTAL		1		0.1	1
ALL OTHER MENTAL HEALTH		1	5	0.1	-4
MEDICAL CALL	12	88	81	8.8	7
NATURE UNKNOWN		2		0.20	2
NOISE COMPLAINT	1	4	7	0.40	-3
OPEN DOOR		14	8	1.40	6
ORD. COMPLAINT		14	8	1.40	6
ORD. VIOL WARNING		2		0.20	2
ORD. VIOL LETTER					No Change
OTHER	2	12	3	1.20	9
PED. CHECK	2	12	3	1.20	9
PUBLIC SERVICE	29	114	112	11.40	2
RECOVERED PROP		10	2	1.00	8
RESIDENCE CHECK	44	165	135		30
SUSPICIOUS SUBJECT	5	58	26	5.80	32
VEH CHECK OCCUPIED	6	24	7	2.40	17
VEH CHECK UNOCCUPIED	4	31	52	3.10	-21
TELE. CALL HARASS					No Change
TELE. CALL THREAT			2		-2
TRAFFIC COMPLAINT	2	38	13	3.80	25
TRAFFIC WARNING	82	35	9	3.50	26
UNATTENDED DEATH	1	3	3	0.30	No Change

Total Activity

1606

Last Year - YTD Activity

8455

Year to Date Activity

10673

Difference in Activity

2218

Total Monthly Summons

68

Hazardous Summons Percentage

31%

**WESTWOOD
INCIDENT SUMMARY**

MOTOR VEHICLE THEFT

CASE NO: 20220254 **LOCATION:** 2804 W 50th Terr
DATE : 09/18/2022
ACTIVITY: Unknown suspect gained access into the vehicle and removed the vehicle and all the contents inside without permission.

BURGLARY TO AUTO

CASE NO: 20220250 **LOCATION:** 4730 Rainbow Blvd
DATE : 09/12/2022
ACTIVITY: Unknown suspect removed some vehicle papers, a passport, and cash from the unlocked vehicle without permission.

LARCENY / THEFT

CASE NO: 20220241 **LOCATION:** 4701 Mission Rd
DATE : 09/06/2022
ACTIVITY: Known suspect left the store with a grocery cart full of food without paying for it.

CASE NO: 20220257 **LOCATION:** 4701 Mission Rd
DATE : 09/20/2022
ACTIVITY: Unknown suspect picked up the victim's wallet which was left at the register by mistake.

ASSAULT/BATTERY

CASE NO: 20220255 **LOCATION:** 4701 Mission I
DATE : 09/19/2022
ACTIVITY: The victim was attempting to stop an unknown suspect from leaving the store without paying for a cart full of groceries. The suspect pushed the cart towards the victim causing her to fall backwards and injure her lower back.

WESTWOOD
COURT SUMMARY
SEPTEMBER, 2022

COURT DATE	ARRAIGNMENTS	TRIALS	FINES	LETTERS	WARRANTS
September 09, 2022	45	05	\$ 2,927.00	32	19
September 23, 2022	07	06	\$ 1,220.00	00	04
TOTALS					
September, 2022	52	11	\$ 4,147.00	32	23
September 2021	69	13	\$ 9,471.00	43	20
TOTAL (\$ 4,147.00) less					
* Kansas DL fees:					\$122.00
* Judges Training Fund:					\$ 14.00
* LET Training Fund:					\$315.00
* Comm Correct Fund:					\$0.00
* Seatbelt Safety Fund:					\$0.00
September 2022 TOTAL:					\$3,696.00

Y.T.D. TOTALS 2022		Y.T.D. TOTALS 2021	
ARRAIGNMENTS:	437	ARRAIGNMENTS:	627
TRIALS	65	TRIALS:	117
LETTERS:	242	LETTERS:	325
WARRANTS:	201	WARRANTS:	255
FINES:	\$52,151.00	FINES:	\$74,751.50
KS DL FEES:	\$1169.00	KS DL FEES:	\$1504.00
JUDGES FUND:	\$110.50	JUDGES FUND:	\$178.50
L.E.T.FUND:	\$2,450.00	L.E.T FUND:	\$4,064.50
COMM CORRECT FUND:	\$0.00	COMM CORRECT FUND:	\$ 0.00
SEATBELT SAFETY FUND:	\$40.00	SEATBELT SAFETY FUND:	\$200.00

**City of Westwood
Treasurer's Report
9/30/2022**

1. Balance Sheet by Fund – shows overall ending cash balances for the City by Fund.
 - a. Ending unencumbered cash through September of \$2,541,915 which reflects a large payment made from Capital Improvement Fund for the 47th Street project. Cash remains down from year end by \$552K. All remaining encumbrances for 2021 have been paid out. The Capital Improvement Fund does reflect a negative cash balance through September after a large payment was made on the 47th Street project. Once year end transfers and several reimbursements are recorded this will be brought back to a positive balance before year end.
2. Cash Flow – shows beginning cash by fund and associated revenues and expenditures for each fund in a more summarized format.
3. Statement of Operations – General Fund
 - a. Revenue received for the month of \$271,922. Revenue received year to date of \$2,511,489 compared to the prior year to date of \$2,478,980 which is up by \$32K. This month we do have both the August and September sales tax revenue due to the timing of the August sales tax deposit.
 - i. Taxes – overall up \$123K from prior year. Ad Valorem taxes are up \$19K from prior year. City and County sales tax revenue is up about \$120K compared to prior year, Liquor Tax up \$13K, Motor Vehicle down \$28K and Special Assessments down \$2K.
 - ii. Fees and Licenses – up year to date by \$24K overall. Utility Franchise Fees up by \$17K, Community Room Fees up by \$1K, Pool Revenue decreased by \$2K and Occupational Licenses up by \$8K.
 - iii. Building Permits – Down by \$82K compared to the prior year. There was a large permit pulled last September totaling \$91K that is contributing to this decrease.
 - iv. Intergovernmental Fees are tracking about the same as last year.
 - v. Fines – are down \$30K from prior year to date.
 - vi. Grants and Donations – equal to last year at \$125K due to the ARPA funding distributions.
 - vii. Reimbursements – are up by \$14K from prior year.
 - viii. Miscellaneous Income –Misc. Income down by \$14K from prior.
 - b. Overall, September Expenditures totaled \$234,788. Year to Date Expenditures total \$1,874,172 up \$60K compared to the prior year to date.
 - i. General Overhead total expenditures of \$27,516 for the month. Down from prior year by \$73K. Professional Fees has decreased by \$32K, Utilities are down \$31K, Intergovernmental Building Permit reimbursement in the prior year is also decreasing this by \$15K – this is being tracked in a different area now.
 - ii. Administrative expenditures of \$35,149 for the month, up by \$18K. Overall increase in the Salary & Benefits line item by \$38K from prior year partially due to increases in health insurance costs, Employee Expenses down \$2K and Computer Expenses down \$16K.
 - iii. Public Works total expenditures of \$44,407 for the month, year to date is up \$26K from the prior year. Salary and Benefits up \$29K, Professional Fees down \$6K, General operating is up \$4K which includes gas and oil expenses and Equipment and Maintenance up \$1K.
 - iv. Police expenditures are \$120,108 this month up from prior year by \$75K. Increases in Salary and Benefits by \$80K, Employee Expenses up \$5K, Professional Fees down \$17K, General Operating up \$4K, Equipment and Maintenance up \$3K.
 - v. Parks and Rec total expenditures of \$7,607 for the month, spending up by \$13K from prior year. Utilities are down \$1K, Repairs and Maintenance increased by \$5K and Parks and Events expenses up \$11K.
 - c. Net Receipts Over (Under) Expenditures in the General Fund are \$37,134 for the month, year to date Receipts Over Expenditures is positive at \$637,317 which is down slightly from the prior year to date by \$40K.
4. Other Funds – Current Month and Year to Date
 - a. CIP – August and September sales tax are reflected this month due to the timing of the September payment. Sales tax remains strong through September. An intergovernmental reimbursement on the 2021 street project of \$30K was received this month. A large payment of \$962,500 was paid for Westwood's local share of the 47th street project. Other payments of \$54K of capital improvement expense and \$16K for the Westwood View Sidewalk Extension.

I am happy to answer any questions upon request.

Michelle Ryan

City of Westwood Treasurer



City of Westwood, Kansas
Balance Sheet by Fund
As of September 30, 2022

	General Fund 09/30/2022	Capital Improvements Fund 09/30/2022	Equipment Reserve Fund 09/30/2022	Stormwater Fund 09/30/2022	Special Highway Fund 09/30/2022	Woodside TIF/CID Fund 09/30/2022	Debt Service Fund 09/30/2022	All Funds 09/30/2022
Assets								
Current Assets								
Cash In Bank	1,697,540.97	(428,784.90)	233,703.23	284,517.00	163,088.34	441,356.81	107,757.26	2,499,178.71
Cash In Bank - Bond Fund	36,691.88	0.00	0.00	0.00	0.00	0.00	0.00	36,691.88
Cash In Bank - Woodside Village Acct	9.35	0.00	0.00	0.00	0.00	0.00	0.00	9.35
PayPal - City Account	120.77	0.00	0.00	0.00	0.00	0.00	0.00	120.77
Petty Cash	257.75	0.00	0.00	0.00	0.00	0.00	0.00	257.75
Undeposited Funds	5,657.46	0.00	0.00	0.00	0.00	0.00	0.00	5,657.46
Total Current Assets	1,740,278.18	(428,784.90)	233,703.23	284,517.00	163,088.34	441,356.81	107,757.26	2,541,915.92
Total Assets	\$ 1,740,278.18	\$ (428,784.90)	\$ 233,703.23	\$ 284,517.00	\$ 163,088.34	\$ 441,356.81	\$ 107,757.26	\$ 2,541,915.92
Liabilities and Fund Balance								
Current Liabilities								
Woodside Village Deposits	9.19	0.00	0.00	0.00	0.00	0.00	0.00	9.19
Refundable Bond Deposits	36,514.99	0.00	0.00	0.00	0.00	0.00	0.00	36,514.99
Great West 457 Payable	1,326.00	0.00	0.00	0.00	0.00	0.00	0.00	1,326.00
Total Current Liabilities	37,850.18	0.00	0.00	0.00	0.00	0.00	0.00	37,850.18
Total Liabilities	37,850.18	0.00	0.00	0.00	0.00	0.00	0.00	37,850.18
Fund Balance								
Fund Balance	1,065,110.33	380,357.50	245,440.39	164,344.15	118,218.51	381,142.20	145,754.11	2,500,367.19
Fund Balance - Current Year	637,317.67	(809,142.40)	(11,737.16)	120,172.85	44,869.83	60,214.61	(37,996.85)	3,698.55
Total Fund Balance	1,702,428.00	(428,784.90)	233,703.23	284,517.00	163,088.34	441,356.81	107,757.26	2,504,065.74
Total Liabilities and Fund Balance	\$ 1,740,278.18	\$ (428,784.90)	\$ 233,703.23	\$ 284,517.00	\$ 163,088.34	\$ 441,356.81	\$ 107,757.26	\$ 2,541,915.92

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Cash Flow

For the One Month Ended September 30, 2022

	General Fund Month Ending 09/30/2022	Capital Improvements Fund Month Ending 09/30/2022	Equipment Reserve Fund Month Ending 09/30/2022	Stormwater Fund Month Ending 09/30/2022	Special Highway Fund Month Ending 09/30/2022	Woodside TIF/CID Fund Month Ending 09/30/2022	Debt Service Fund Month Ending 09/30/2022	All Funds Month Ending 09/30/2022
Unencumbered Cash, Beginning Period	1,695,979.60	512,241.12	233,703.23	284,517.00	163,088.34	400,955.14	107,757.26	3,398,241.69
Receipts								
Taxes	218,573.73	62,383.31	0.00	0.00	0.00	0.00	0.00	280,957.04
Fees and Licenses	21,912.62	0.00	0.00	0.00	0.00	0.00	0.00	21,912.62
Building Permits	2,442.50	0.00	0.00	0.00	0.00	0.00	0.00	2,442.50
Intergovernmental	24,477.55	0.00	0.00	0.00	0.00	0.00	0.00	24,477.55
Restricted Use	0.00	0.00	0.00	0.00	0.00	59,686.21	0.00	59,686.21
Fines	3,816.00	0.00	0.00	0.00	0.00	0.00	0.00	3,816.00
Miscellaneous	700.22	30,242.30	0.00	0.00	0.00	0.00	0.00	30,942.52
Total Receipts	271,922.62	92,625.61	0.00	0.00	0.00	59,686.21	0.00	424,234.44
Expenditures								
Salary & Benefits	188,825.20	0.00	0.00	0.00	0.00	0.00	0.00	188,825.20
Employee Expenses	2,455.81	0.00	0.00	0.00	0.00	0.00	0.00	2,455.81
Professional Fees	5,642.25	0.00	0.00	0.00	0.00	0.00	0.00	5,642.25
General Operating Expenses	7,502.62	0.00	0.00	0.00	0.00	0.00	0.00	7,502.62
Utilities	22,460.19	0.00	0.00	0.00	0.00	0.00	0.00	22,460.19
Equipment and Maintenance	841.22	0.00	0.00	0.00	0.00	0.00	0.00	841.22
Street and Stormwater	0.00	1,033,651.63	0.00	0.00	0.00	0.00	0.00	1,033,651.63
Park and Events	7,060.91	0.00	0.00	0.00	0.00	0.00	0.00	7,060.91
Miscellaneous	0.00	0.00	0.00	0.00	0.00	19,284.54	0.00	19,284.54
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	234,788.20	1,033,651.63	0.00	0.00	0.00	19,284.54	0.00	1,287,724.37
Prior Year Cancelled Encumbrances	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Increase / (Decrease) in Payables	1,454.70	0.00	0.00	0.00	0.00	0.00	0.00	1,454.70
Increase / (Decrease) in Refundable Bond Deposits	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
Unencumbered Cash, End of Period	\$ 1,740,278.18	\$ (428,784.90)	\$ 233,703.23	\$ 284,517.00	\$ 163,088.34	\$ 441,356.81	\$ 107,757.26	\$ 2,541,915.92

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Statement of Operations

General Fund

For The One Period and Nine Periods Ended September 30, 2022 and 2021

	Month Ending 09/30/2022	Year To Date 09/30/2022	Year To Date 09/30/2021	Year Ending 12/31/2022	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Receipts					
Taxes	\$ 218,573.73	\$ 1,662,940.34	\$ 1,539,747.77	\$ 1,852,425.00	(189,484.66)
Fees and Licenses	21,912.62	358,745.48	335,027.53	446,200.00	(87,454.52)
Building Permits	2,442.50	59,977.74	141,983.30	70,000.00	(10,022.26)
Intergovernmental	24,477.55	234,596.41	235,947.68	328,100.00	(93,503.59)
Fines	3,816.00	48,034.25	79,584.75	90,000.00	(41,965.75)
Grants and Donations	0.00	125,215.81	124,475.27	0.00	125,215.81
Reimbursements	0.00	15,007.45	1,101.00	0.00	15,007.45
Miscellaneous	700.22	6,972.24	21,113.21	4,250.00	2,722.24
Total Receipts	271,922.62	2,511,489.72	2,478,980.51	2,790,975.00	(279,485.28)
Expenditures					
General Overhead					
Salary & Benefits	3,184.94	26,755.39	25,862.46	38,450.00	(11,694.61)
Employee Expenses	0.00	5,947.21	1,877.02	6,000.00	(52.79)
Professional Fees	2,976.10	152,359.07	184,315.07	202,550.00	(50,190.93)
General Operating Expenses	1,213.98	10,605.69	12,057.12	34,000.00	(23,394.31)
Utilities	18,533.87	160,024.80	191,642.81	252,850.00	(92,825.20)
Equipment and Maintenance	107.39	107.39	95.04	0.00	107.39
Street and Stormwater	0.00	507.19	370.33	0.00	507.19
Park and Events	1,500.00	5,461.43	3,025.00	14,750.00	(9,288.57)
Miscellaneous	0.00	0.00	0.00	15,000.00	(15,000.00)
Intergovernmental	0.00	0.00	15,914.50	20,000.00	(20,000.00)
Interfund Transfers	0.00	0.00	0.00	127,142.83	(127,142.83)
Total General Overhead	27,516.28	361,768.17	435,159.35	710,742.83	(348,974.66)
Administrative					
Salary & Benefits	34,526.91	240,267.19	201,571.47	289,482.36	(49,215.17)
Employee Expenses	335.09	3,394.76	5,762.67	14,500.00	(11,105.24)
Professional Fees	175.00	350.00	1,460.00	10,200.00	(9,850.00)
General Operating Expenses	112.54	1,858.56	18,126.73	8,000.00	(6,141.44)
Park and Events	0.00	0.00	221.26	2,000.00	(2,000.00)
Interfund Transfers	0.00	0.00	0.00	5,000.00	(5,000.00)
Total Administrative	35,149.54	245,870.51	227,142.13	329,182.36	(83,311.85)

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Statement of Operations

General Fund

For The One Period and Nine Periods Ended September 30, 2022 and 2021

	Month Ending 09/30/2022 Actual	Year To Date 09/30/2022 Actual	Year To Date 09/30/2021 Prior Year	Year Ending 12/31/2022 Current Budget	Over/(Under) Budget
Public Works					
Salary & Benefits	41,055.81	316,297.27	287,250.08	424,712.89	(108,415.62)
Employee Expenses	42.99	4,103.40	3,601.82	7,900.00	(3,796.60)
Professional Fees	0.00	0.00	5,945.00	17,000.00	(17,000.00)
General Operating Expenses	1,334.49	19,797.74	15,368.40	22,550.00	(2,752.26)
Utilities	1,688.87	8,546.88	10,703.41	14,000.00	(5,453.12)
Equipment and Maintenance	285.12	29,528.79	28,562.22	56,000.00	(26,471.21)
Interfund Transfers	0.00	0.00	0.00	50,000.00	(50,000.00)
Total Public Works	44,407.28	378,274.08	351,430.93	592,162.89	(213,888.81)
Police					
Salary & Benefits	110,057.54	760,199.01	679,977.28	1,066,474.23	(306,275.22)
Employee Expenses	2,077.73	15,588.80	10,481.04	27,000.00	(11,411.20)
Professional Fees	2,491.15	29,060.45	46,089.20	61,425.00	(32,364.55)
General Operating Expenses	4,789.39	41,008.87	36,397.42	58,000.00	(16,991.13)
Utilities	255.40	1,917.46	2,131.59	4,500.00	(2,582.54)
Equipment and Maintenance	436.89	9,190.55	6,154.33	10,000.00	(809.45)
Park and Events	0.00	0.00	1,045.08	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	30,000.00	(30,000.00)
Total Police	120,108.10	856,965.14	782,275.94	1,257,399.23	(400,434.09)
Parks & Rec					
Professional Fees	0.00	0.00	161.00	0.00	0.00
General Operating Expenses	52.22	1,360.09	2,452.28	2,000.00	(639.91)
Utilities	1,982.05	9,126.16	10,371.92	30,000.00	(20,873.84)
Equipment and Maintenance	11.82	6,845.90	2,256.02	6,000.00	845.90
Park and Events	5,560.91	13,962.00	2,917.52	11,850.00	2,112.00
Total Parks & Rec	7,607.00	31,294.15	18,158.74	49,850.00	(18,555.85)
Total Expenditures	234,788.20	1,874,172.05	1,814,167.09	2,939,337.31	(1,065,165.26)
Prior Year Cancelled Encumbrances	0.00	0.00	12,810.51	0.00	0.00
Receipts Over (Under) Expenditures	\$ 37,134.42	\$ 637,317.67	\$ 677,623.93	\$ (148,362.31)	785,679.98

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Statement of Operations
Other Funds
For The One Period Ended September 30, 2022

	Other Funds					
	Capital Improvements Fund Month To Date 09/30/2022 Actual	Equipment Reserve Fund Month To Date 09/30/2022 Actual	Stormwater Fund Month To Date 09/30/2022 Actual	Special Highway Fund Month To Date 09/30/2022 Actual	Woodside TIF/CID Fund Month To Date 09/30/2022 Actual	Debt Service Fund Month To Date 09/30/2022 Actual
Receipts						
Taxes						
City Sales & Use Tax - Special	62,383.31	0.00	0.00	0.00	0.00	0.00
Total Taxes	\$ 62,383.31	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Restricted Use						
WV CID-1	0.00	0.00	0.00	0.00	42,457.37	0.00
WV CID-2	0.00	0.00	0.00	0.00	17,228.84	0.00
Miscellaneous	30,242.30	0.00	0.00	0.00	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	92,625.61	0.00	0.00	0.00	59,686.21	0.00
Expenditures						
Street and Stormwater						
Capital Improvement Expense	1,033,651.63	0.00	0.00	0.00	0.00	0.00
Total Street and Stormwater	1,033,651.63	0.00	0.00	0.00	0.00	0.00
Miscellaneous						
UMB CID Payment	0.00	0.00	0.00	0.00	19,284.54	0.00
Total Miscellaneous	0.00	0.00	0.00	0.00	19,284.54	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	1,033,651.63	0.00	0.00	0.00	19,284.54	0.00
Receipts Over (Under) Expenditures	\$ (941,026.02)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 40,401.67	\$ 0.00

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Statement of Operations
Other Funds
For The Nine Periods Ended September 30, 2022

	Other Funds					
	Capital Improvements Fund Year To Date 09/30/2022 Actual	Equipment Reserve Fund Year To Date 09/30/2022 Actual	Stormwater Fund Year To Date 09/30/2022 Actual	Special Highway Fund Year To Date 09/30/2022 Actual	Woodside TIF/CID Fund Year To Date 09/30/2022 Actual	Debt Service Fund Year To Date 09/30/2022 Actual
Receipts						
Taxes						
Ad Valorem Tax	0.00	0.00	0.00	0.00	0.00	15,698.36
City Sales & Use Tax - Special	257,737.02	0.00	0.00	0.00	0.00	0.00
Motor Vehicle Tax	0.00	0.00	0.00	0.00	0.00	573.55
Total Taxes	\$ 257,737.02	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 16,271.91
Restricted Use						
Stormwater Utility Fee	0.00	0.00	121,291.77	0.00	0.00	0.00
State Hwy Maintenance	0.00	0.00	0.00	11,084.55	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	33,785.28	0.00	0.00
WV Ad Valorem Tax	0.00	0.00	0.00	0.00	189,103.29	0.00
WV CID-1	0.00	0.00	0.00	0.00	347,690.07	0.00
WV CID-2	0.00	0.00	0.00	0.00	66,135.04	0.00
Miscellaneous	30,242.30	35,700.00	968.80	0.00	0.00	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	287,979.32	35,700.00	122,260.57	44,869.83	602,928.40	16,271.91
Expenditures						
Professional Fees	4,760.00	0.00	0.00	0.00	0.00	0.00
General Operating Expenses	56.10	0.00	0.00	0.00	0.00	0.00
Equipment and Maintenance						
Repairs & Maint Vehicles	0.00	530.60	0.00	0.00	0.00	0.00
Repairs & Maint Storm Sewers	0.00	0.00	313.10	0.00	0.00	0.00
Machinery & Equipment Purchase	0.00	46,906.56	0.00	0.00	0.00	0.00
Total Equipment and Maintenance	0.00	47,437.16	313.10	0.00	0.00	0.00
Street and Stormwater						
Capital Improvement Expense	1,092,305.62	0.00	0.00	0.00	0.00	13,337.50
Stormwater Expense	0.00	0.00	526.07	0.00	0.00	0.00
Leaf Pickup Expenses	0.00	0.00	1,248.55	0.00	0.00	0.00
Total Street and Stormwater	1,092,305.62	0.00	1,774.62	0.00	0.00	13,337.50
Miscellaneous						
UMB TIF Payment	0.00	0.00	0.00	0.00	379,577.72	0.00
UMB CID Payment	0.00	0.00	0.00	0.00	163,136.07	0.00
Interest on GO Bond	0.00	0.00	0.00	0.00	0.00	40,931.26
Total Miscellaneous	0.00	0.00	0.00	0.00	542,713.79	40,931.26
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	1,097,121.72	47,437.16	2,087.72	0.00	542,713.79	54,268.76
Receipts Over (Under) Expenditures	\$ (809,142.40)	\$ (11,737.16)	\$ 120,172.85	\$ 44,869.83	\$ 60,214.61	\$ (37,996.85)

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Appropriation Ordinance No. 743

AN ORDINANCE APPROPRIATING CITY EXPENDITURES FOR THE PERIOD OF SEPTEMBER 1, 2022 - SEPTEMBER 30, 2022 AND SUMMARIZING SAID EXPENDITURE HEREIN.

	General Month Ending 9/30/2022	Capital Improvements Month Ending 9/30/2022	Equipment Reserve Month Ending 9/30/2022	Stormwater Month Ending 9/30/2022	Special Highway Month Ending 9/30/2022	Woodside TIF/CID Month Ending 9/30/2022	Debt Service Month Ending 9/30/2022	Total All Funds Month Ending 9/30/2022
Expenditures								
Salary & Benefits	188,825.20	0.00	0.00	0.00	0.00	0.00	0.00	188,825.20
Employee Expenses	2,455.81	0.00	0.00	0.00	0.00	0.00	0.00	2,455.81
Professional Fees	5,642.25	0.00	0.00	0.00	0.00	0.00	0.00	5,642.25
General Operating Expenses	7,502.62	0.00	0.00	0.00	0.00	0.00	0.00	7,502.62
Utilities	22,460.19	0.00	0.00	0.00	0.00	0.00	0.00	22,460.19
Equipment and Maintenance	841.22	0.00	0.00	0.00	0.00	0.00	0.00	841.22
Street and Stormwater	70,810.00	962,841.63	0.00	0.00	0.00	0.00	0.00	1,033,651.63
Park and Events	7,060.91	0.00	0.00	0.00	0.00	0.00	0.00	7,060.91
Miscellaneous	0.00	0.00	0.00	0.00	0.00	19,284.54	0.00	19,284.54
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	305,598.20	962,841.63	0.00	0.00	0.00	19,284.54	0.00	1,287,724.37

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

SECTION 1. The Claims included herin are hereby approved and allowed.

SECTION 2. That the payment of all claims and charges against the respective accounts and funds provided in the budget for the year 2022 are consistent with that budget and are hereby authorized, ratified and approved.

SECTION 3. This Ordinance shall take effect from and after its passage.

ADOPTED this 13th day of October, 2022.

MAYOR

ATTEST: CITY CLERK

COUNCIL ACTION FORM

Meeting Date: October 13, 2022

Staff Contact: Curt Mansell, Chief of Police

Agenda Item: Consider Ordinance No. 1031 adopting the 2022 Edition of the Standard Traffic Ordinance for Kansas Cities

Background:

The Standard Traffic Ordinance (STO) is a document published by the League of Kansas Municipalities since 1960. The Standard Traffic Ordinance (STO) is an efficient, economical way to regulate traffic in Kansas cities. This ordinance allows the City of Westwood to utilize the state's Standard Traffic Ordinance as the basis for traffic safety and enforcement actions.

Item Description:

The Kansas League of Municipalities has published the 2022 Edition of the Standard Traffic Ordinance. City staff recommends the City of Westwood update to from the 2021 Edition. The STO does not take effect in a city until the Governing Body has passed and published an incorporating ordinance.

Budget Impact:

None.

Staff Recommendation

The City Council should vote, approve and authorize the Mayor to sign the ordinance prepared by the City Attorney in regard to these changes.

Suggested Motion:

I move the City Council adopt Ordinance 1031 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, 2022 edition and repeal Ordinance 1022.

ORDINANCE NO. 1031

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING IN PART AND REPEALING IN PART CHAPTER 14, ARTICLE 1, SECTION 14-101 OF THE WESTWOOD CITY CODE, RELATING TO INCORPORATION OF THE STANDARD TRAFFIC ORDINANCE.

WHEREAS, Chapter 14, Article 1, Section 14-101 within the current Code of the City of Westwood adopts by reference the 2021 Edition of the Standard Traffic Ordinance for Kansas Cities prepared and published by the Kansas League of Municipalities;

WHEREAS, the Kansas League of Municipalities has subsequently published the 2022 Edition of the Standard Traffic Ordinance for Kansas Cities which the City wishes to adopt by reference;

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

SECTION 1. That Chapter 14, Article 1, Section 14-101 of the Westwood City Code is hereby amended to read as follows:

INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated for the purpose of regulating traffic within the corporate limits of the City of Westwood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2022, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance 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. (Ord. 878, Sec. 1; Code 2008, Ord.877, Sec. 1, Ord.899, Sec1, Ord.911, Sec1; Ord. 916, Sec.1; Ord.928, Sec. 1, Ord.937, Sec1, Ord 953, Sec1; Ord. 961, Sec 1; Ord. 972, Sec 1; Ord. 982, Sec 1; Ord. 992, Sec 1; Ord. 1002, Sec 1).

SECTION 2. That any provision within Chapter 14, Article 1, Section 14-101 of the Westwood City Code, inconsistent with the language with Section 1 of this ordinance is hereby repealed.

SECTION 3. 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 13th day of October, 2022.

APPROVED by the Mayor this 13th day of October, 2022.

David E. Waters, Mayor

ATTEST:

Leslie Herring, City Administrator

Approved as to form:

Ryan B. Denk, City Attorney

2022 Changes to the Standard Traffic Ordinance and Uniform Public Offense Code

By Nicole Proulx Aiken, Deputy General Counsel, League of Kansas Municipalities

The Legislature made several changes to statutes affecting the STO and UPOC this session. This article provides a list of those changes.

Changes to the STO

Section 1 Definitions.

The following definitions were amended: All-Terrain Vehicle (SB 101), Electric-Assisted Bicycle (SB 101), Electric-Assisted Scooter (SB 101), Motor Vehicle (SB 101), Motorcycle (SB 101), and Motorized Bicycle (SB 101).

Section 10.1. Funeral Processions and Sec. 119. Parades and Processions.

The Legislature did not make changes to any statutes affecting funeral processions or parades. The League, however, added chief “of police or designee” to these sections to provide more flexibility for reviewing them.

Section 30. Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties.

HB 2377, Section 4, amends the penalties for driving under the influence; allows courts to waive any portion of a fine, except for the \$250 required to be remitted to the state treasurer, if the individual completes a court-ordered education or treatment; clarifies that amending or dismissing a charge is permitted if there is not sufficient admissible evidence to support a conviction beyond a reasonable doubt; and modifies the definition for “imprisonment.”

Section 30.1. Driving Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs; Penalties.

HB 2377, Section 9, amends the penalties for driving a commercial motor vehicle under the influence; allows courts to waive any portion of a fine, except for the \$250 required to be remitted to the state treasurer, if the individual completes a court-ordered education or treatment; clarifies that amending or dismissing a charge is permitted if there is not sufficient admissible evidence to support a conviction beyond a reasonable doubt; and modifies the definition for “imprisonment.”

Section 30.5. Commercial Driver’s Licenses; Diversion Agreements Not Allowed.

HB 2377, Section 10, prohibits prosecuting attorneys from masking, deferring imposition of judgment, or giving an individual a diversion “that would prevent a commercial learner’s permit or commercial driver’s license holder’s conviction from appearing on the CDLIS driver record of a local traffic law that occurred in any type of motor vehicle.” This prohibition does not apply to parking, vehicle weight, or other vehicle defect violations.

Section 126.1.1. Display of License Plate.

Subsection (e) requiring law enforcement officers to issue a warning for certain violations expired on January 1, 2022, and has been deleted.

Section 135. Electric-Assisted Bicycles, Traffic Law Application.

SB 101, Section 9, amends the state statute on electric-assisted bicycles. The amendments clarify electric-assisted bicycles are allowed on streets, highways, etc. The bill provides that individuals do not need a driver’s license or vehicle liability insurance to ride an electric-assisted bicycle. The bill also exempts electric-assisted bicycles from the motor vehicle definition. The League amended the STO to mirror state law but, under K.S.A. 8-1592b(f)(2), a city may adopt an ordinance further restricting and governing the operation of electric-assisted bicycles on streets, highways, roadways, sidewalks, sidewalk areas, bicycle or multi-use paths, or trail or trail networks.



Changes to the UPOC

Section 1.1. Definitions.

The League deleted the definitions for advance voting site, because it is in Sec. 7.14, and maliciously, because that term is not used in the UPOC. The definitions for controlled substance and law enforcement officer were also updated to mirror state law. Other definitions that were amended include: Dwelling (HB 2508), Motor Vehicle (SB 101), Possession (HB 2508), Public Employee (HB 2508), Vehicle Dealer (SB 101), Wildlife (SB 101), and Written Instrument (HB 2508).

Section 3.2.1. Sexual Battery.

The League updated the editor's note in light of *City of Shawnee v. Adem*, 214 Kan 12 (2021). There, the Kansas Supreme Court held the Kansas Offender Registration Act applies to any person convicted of sexual battery under Sec. 3.2.1. of the UPOC.

Section 6.1. Theft.

SB 483, Section 1, amends the theft statute to address the theft of remote service units. The League also amended the editor's note to include changes made by SB 408 and HB 2492.

Section 6.5. Criminal Deprivation of Property.

The League added the motor vehicle definition to this section to match state law.

Section 6.18. Motor Vehicle Dealers; Selling Motor Vehicles Without a License.

SB 101, Section 10, amends the definitions of vehicle and motor vehicle, exempting electric-assisted bicycles from those definitions.

Section 7.5. Distribution of Unattributed Applications for Advance Voting Ballots.

The League deleted this provision from the UPOC in light of *VoteAmerica v. Schwab*, 2021 WL 5918918 (D. Kan. 2021).

Section 7.14. Electioneering.

HB 2138, Section 7, clarifies that the electioneering offense does not apply to certain individuals, such as certain county election office employees while they are performing their duties as employees.

Section 7.15. Intimidation of a Witness or Victim.

The League added the definition civil injury or loss to match state law.

Section 9.9.5. Unlawful Possession of a Simulated Substance.

The League added the definition of simulated controlled substance to this section.

Section 10.30. Operating an Aircraft Under the Influence, Section 10.30.1 Same; Preliminary Breath Test, and Section 10.30.2. Same; Definitions.

HB 2377, Sections 1-4 added a new offense for operating an aircraft under the influence. The League added this offense to Sections 10.30–10.30.2.

Section 11.8. Gambling.

SB 84, Section 20, excludes sports wagering from the definition of bet.

In addition, to the changes described above, the League updated several citations to state law and changed “his or her” and “her or she” to “their” or “they” to be more inclusive. 🌞

🌞 **Nicole Proulx Aiken** is the Deputy General Counsel for the League of Kansas Municipalities. She can be reached at nproulxaiken@lkm.org.

**NOW
AVAILABLE**



STO / UPOC
Standard Traffic Ordinance *Uniform Public Offense Code*

GO TO THE LEAGUE WEBSITE
SERVICES → PUBLICATIONS → SEARCH STO OR UPOC
TO FIND THE MOST UP-TO-DATE STANDARD TRAFFIC ORDINANCE
AND UNIFORM PUBLIC OFFENSE CODE.

COUNCIL ACTION FORM

Meeting Date: October 13, 2022

Staff Contact: Curtis W. Mansell, Chief of Police

Agenda Item: Consider Ordinance No. 1032 adopting the 2022 Edition of the Uniform Public Offense Code for Kansas Cities

Background:

The Uniform Public Offense Code (UPOC) is a document developed each year by the League of Kansas Municipalities. This organization has published the UPOC since 1980. The Code is designed to provide a comprehensive public offense ordinance for Kansas cities. The UPOC, in large part parallels the state criminal code. This ordinance allows the City of Westwood to utilize the Uniform Public Offense Code as the basis for criminal investigation and enforcement actions.

Item Description:

The Kansas League of Municipalities has published the 2022 Edition of the Uniform Public Offense Code. City staff recommends the City of Westwood update to from the 2021 Edition. The UPOC does not take effect in a city until the Governing Body has passed and published an incorporating ordinance.

Budget Impact:

None.

Staff Recommendation:

The City Council vote, approve and authorize the Mayor to sign the ordinance prepared by the City Attorney in regard to these changes.

Suggested Motion:

I move the City Council adopt Ordinance 1032 incorporating by reference the Unified Public Offense Code for Kansas Cities, 2022 edition and repeal Ordinance 1023.

ORDINANCE NO. 1032

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING IN PART AND REPEALING IN PART CHAPTER 11, ARTICLE 1, SECTION 11-101 OF THE WESTWOOD CITY CODE, RELATING TO INCORPORATION OF THE UNIFORM PUBLIC OFFENSE CODE.

WHEREAS, Chapter 11, Article 1, Section 11-101 within the current Code of the City of Westwood adopts by reference the 2021 Edition of the Uniform Public Offense Code prepared and published by the Kansas League of Municipalities;

WHEREAS, the Kansas League of Municipalities has subsequently published the 2022 Edition of the Uniform Public Offense Code which the City wishes to adopt by reference;

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

SECTION 1. That Chapter 11, Article 1, Section 11-101 of the Westwood City Code is hereby amended to read as follows:

INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Westwood, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2022, 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 Uniform Public Offense Code 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. (Ord. 879, Sec. 1, Code 2008, Ord. 888, Sec.1; Ord. 900 Sec. 1; Ord. 912, Sec1; Ord. 917, Sec. 1; Ord. 929, Sec.1, Ord. 938, Sec. 1; Ord. 954, Sec1; Ord. 962, Sec 1; Ord. 973, Sec 1; Ord. 893, Sec 1; Ord. 993, Sec. 1; Ord. 1003, Sec. 1)

SECTION 2. That the city adopts the substitute provisions stated within Ordinance No. 971 providing for substitute and replacement provisions for Sections 5.6 and 5.7 of the UPOC which are hereby made applicable to and shall substitute for Section 5.6 and 5.7 of the 2022 UPOC.

SECTION 3. That Chapter 11, Article 1, Section 11-101 of the Westwood City Code, is repealed to the extent that it is inconsistent with Section 1 of this Ordinance.

SECTION 4. 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 13th day of October, 2022.

APPROVED by the Mayor this 13th day of October, 2022.

David E. Waters, Mayor

ATTEST:

Leslie Herring, City Administrator

Approved as to form:

Ryan B. Denk, City Attorney

STAFF REPORT

Meeting Date: October 13, 2022

Staff Contact: Leslie Herring, City Administrator

Action Item: Consider Resolution No. 111-2022 Acknowledging and Supporting the KC Communities for All Ages and Mid-America Regional Council's Communities for All Ages Initiative

Background/Description of Item

From at least as early as 2016, the Governing Body has identified as a goal achieving recognition as a Community for All Ages through Mid-America Regional Council's Communities for All Ages initiative.

The KC Communities for All Ages Recognition Program was created by the Mid-America Regional Council (MARC) to recognize communities that take steps to be improve quality of life for residents of all ages while becoming more vibrant, healthy, and prosperous. Through this program, city and civic leaders will identify and act upon issues and opportunities concerning the aging adult population. We recognize the intrinsic value of the older generation, respect their wisdom and insight, and look to involve them in creating a high standard of living in the community they live. The City of Westwood is proud to be working with KC Communities for All Ages to pursue Bronze level recognition in 2022, with the goal of pursuing both Silver and Gold recognition in 2023.

The Bronze level recognition criteria include:

- Informing residents about our work toward becoming a Community for All Ages by:
 - Making available information on this webpage; and
 - Making available written materials (available via this link and at City Hall) **(July through present)**
- Surveying residents to gather baseline information on the community's perceptions about how age-friendly Westwood is currently. (July and August)
- Hosting a presentation by MARC on the Communities for All Ages program and discussing the findings of the community survey. **(August 11th City Council meeting)**
- Hosting a community meeting to discuss the age-friendliness of Westwood. **(October 8th)**
- Considering adoption of a resolution by the Governing Body to be a community for all ages. **(Tonight)**

Staff Comments/Recommendation

Staff recommends the City Council adopt the proposed resolution, after which time staff will formally apply to MARC's Communities for All Ages for recognition as a Bronze level community.

Budget Impact – N/A

Suggested Motion

I move to approve Resolution No. 111-2022 acknowledging and supporting the KC Communities for All Ages and Mid-America Regional Council's Communities for All Ages Initiative.

CITY OF WESTWOOD, KANSAS

RESOLUTION NO. 110-2022

A RESOLUTION OF THE CITY OF WESTWOOD, KANSAS ACKNOWLEDGING AND SUPPORTING THE KC COMMUNITIES FOR ALL AGES AND MID-AMERICA REGIONAL COUNCIL'S COMMUNITIES FOR ALL AGES INITIATIVE.

WHEREAS, the City of Westwood has worked in partnership with KC Communities for All Ages and the Mid-America Regional Council (MARC); and

WHEREAS, the First Suburbs Coalition, KC Communities for All Ages, and MARC have developed a Communities for All Ages Toolkit and Idea Book; and

WHEREAS, the First Suburbs Coalition, KC Communities for All Ages, and MARC have, through the efforts of its membership, developed a Communities for All Ages checklist which helps communities orient their physical and service efforts to meet the needs of residents of all ages; and

WHEREAS, the City of Westwood intends to utilize the checklist to assess City policies, programs and investments to make sure they are responsive to the needs of all residents of the City; and

WHEREAS, the City Council desires the City of Westwood to be a Community for All Ages.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WESTWOOD, KANSAS, AS FOLLOWS:

Section 1. The City of Westwood adopts as its policy the promotion of Communities for All Ages as a strategy for developing vibrant, prosperous communities for all of its residents.

Section 2. The City of Westwood will work with KC Communities for All Ages, MARC, and other regional partners to further promote the Communities for All Ages concepts, strategies and policies.

Section 3. The City of Westwood intends to submit an application in 2022 for recognition as a Community for All Ages.

ADOPTED this 13th day of October, 2022, by majority vote of the Governing Body.

David E. Waters, Mayor

ATTEST:

Leslie Herring, City Clerk

APPROVED AS TO FORM:

Ryan B. Denk, City Attorney

STAFF REPORT

Meeting Date: October 13, 2022

Staff Contact: Leslie Herring, City Administrator

Action Item: Consider Master Services Agreement with CivicPlus for Website Design and Hosting and Municode Meetings

Background/Description of Item

The City's website is overdue for an upgrade and is in an outdated and unsupported format. For the past three years, the City has been saving for the implementation of a website upgrade, to occur in 2022.

Staff Comments/Recommendation

In September 2022, City staff invited four (4) reputable vendors specializing in local government websites to conduct demonstrations of their sites and to provide cost and implementation proposals. Of those four companies, staff was most impressed by the capabilities, price, and implementation timeline of CivicPlus. CivicPlus is a Kansas-based company that is well-known for its local government websites throughout the country, with a strong connection to the Midwest. Within the City's project budget, CivicPlus is able to offer not only a modern website design but also integrated meetings management cloud-based software, and also integrated City code hosting cloud-based software¹. The timeline for implementation and launch of the new website is three (3) months from execution of an agreement.

Budget Impact

This project has been budgeted over a three-year period in the Equipment Reserve Fund for implementation in 2022 at a cost of \$10,000. The scope of work for the website redesign is \$2,760 in Year 1 and annually thereafter. The scope of work for the meetings and agenda manager is \$2,080 in Year 1 and annually thereafter.

Suggested Motion

I move to approve the Master Services Agreement with CivicPlus as outlined in the Scopes of Work dated September 24, 2022, conditioned upon such agreement's approval by the City Attorney.

¹ Municode City Code hosting is quoted at \$1,750/year but will be recommended in 2023, when the \$10,665 recodification is budgeted and planned.

**CivicPlus**

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Q-29721-1

Date:

9/24/2022 12:06 AM

Expires On:

12/23/2022

Client:

WESTWOOD CITY, KANSAS

Bill To:

WESTWOOD CITY, KANSAS

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Jordan Cairns	x	cairns@civicplus.com		Net 30

QTY	PRODUCT NAME	DESCRIPTION	PRODUCT TYPE
1.00	Premium Web Open Subscription	Premium Design, 150 pages migration, 3yrs meetings migration, free virtual training sessions	Renewable
1.00	Premium Implementation	Premium Implementation	One-time

List Price - Year 1 Total	USD 3,450.00
Total Investment - Year 1	USD 2,760.00
Annual Recurring Services - Year 2	USD 2,760.00

Total Days of Quote:365

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://www.civicplus.com/master-services-agreement> ("MSA"), to which this SOW is hereby attached as the Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.
2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term, or any subsequent Renewal Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".
3. The Total Investment - Year 1 will be invoiced upon signing of this SOW.
4. Annual Recurring Services shall be invoiced on the start date of each Renewal Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in year 3 of service. Client will pay all invoices within 30 days of the date of such invoice.
5. Client agrees that CivicPlus shall not migrate, convert, or port content or information that could reasonably be construed as time sensitive, such as calendar or blog content, during the Project Development.

V. PD 06.01.2015-0048

Page 1 of 4

6. If a Recurring Redesign line item is included with the Client's quote in this SOW, starting after 48 months of continuous service under this SOW, Client shall be entitled to receive a redesign at no additional cost. Client may initiate such redesign any time after 48 months of continuous service. Upon the initiation of an eligible redesign project, Client may begin accumulating eligibility towards a subsequent redesign after another 48 months of continuous service. Redesigns that include additional features not available on the original website may be subject to additional charges. Additional features include, but are not limited to, additional modules and integration of third-party software. Recurring Redesigns are eligible for the website, subsite, and department headers included in this SOW only. Any subsequently purchased website, subsite, and department header shall not be included in a redesign hereunder.
7. Client allows CivicPlus to display a "Government Websites by CivicPlus" insignia, and web link at the bottom of their web pages. Client understands that the pricing and any related discount structure provided under this SOW assumes such perpetual permission.

Signature Page to Follow.

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW and the MSA terms and conditions found at: <https://www.civicplus.com/master-services-agreement>.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization

URL

Street Address

Address 2

City

State

Postal Code

CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays).
Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for
ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Billing Contact

E-Mail

Phone

Ext.

Fax

Billing Address

Address 2

City

State

Postal Code

Tax ID #

Sales Tax Exempt #

Billing Terms

Account Rep

Info Required on Invoice (PO or Job #)

Are you utilizing any external funding for your project (ex. FEMA, CARES): Y [] or N []

Please list all external sources: _____

Contract Contact

Email

Phone

Ext.

Fax

Project Contact

Email

Phone

Ext.

Fax

**CivicPlus**

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Q-29720-1

Date:

9/24/2022 12:03 AM

Expires On:

12/23/2022

Client:

WESTWOOD CITY, KANSAS

Bill To:

WESTWOOD CITY, KANSAS

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Jordan Cairns	x	cairns@civicplus.com		Net 30

QTY	PRODUCT NAME	DESCRIPTION	PRODUCT TYPE
1.00	Municode Meetings Premium – One-Time Build Cost	Up to 2 Boards, Up to 4 Hours of Virtual Training	One-time
1.00	Municode Meetings Premium Annual	Municode Meetings Premium Annual	Renewable

List Price - Year 1 Total	USD 2,600.00
Total Investment - Year 1	USD 2,080.00
Annual Recurring Services - Year 2	USD 2,080.00

Total Days of Quote:365

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://www.civicplus.com/master-services-agreement> ("MSA"), to which this SOW is hereby attached as the CivicClerk Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.
2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term or any subsequent Renewal Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".
3. The Total Investment - Year 1 will be invoiced at signing of this SOW. Client will pay all invoices within 30 days of the date of invoice.
4. Annual Recurring Services shall be invoiced on the start date of each Renewal Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in year 3 of service.

5. Client shall have sole control and responsibility over the determination of which data and information shall be included in the content that is to be transmitted and stored by CivicPlus. Client shall not provide to CivicPlus or allow to be provided to CivicPlus any content that (a) infringes or violates any 3rd party's Intellectual Property rights, rights of publicity or rights of privacy, (b) contains any defamatory material, or (c) violates any federal, state, local, or foreign laws, regulations, or statutes.

6. The scope of the initial implementation services to be delivered by CivicPlus are as listed above. Client is responsible for providing all information required for the configuration of the services in accordance with the scope and project timeline.

7. Upon Go-Live, any unused implementation services (ie: board configuration) will expire. Any configuration of additional boards by CivicPlus after Go-Live may incur additional one-time charges based on the scope of the desired configuration, design, and training services.

8. Completion of implementation services will be determined by Go Live status. The parties agree to cooperate in a timely manner to complete all implementation tasks and deliverables in order to obtain Go-Live status of the services. CivicPlus will make reasonable efforts to confirm Go Live status with the Client, but reserves the right to deem Client's use of the services in the intended course of business as Go Live. "Go-Live" is defined as the Client's use of the services implemented by CivicPlus under this SOW for the intended purpose and with the intended audience.

Signature Page to follow.

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW and the MSA terms and conditions found at: <https://www.civicplus.com/master-services-agreement>.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization

URL

Street Address

Address 2

City

State

Postal Code

CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays).
Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for
ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Billing Contact

E-Mail

Phone

Ext.

Fax

Billing Address

Address 2

City

State

Postal Code

Tax ID #

Sales Tax Exempt #

Billing Terms

Account Rep

Info Required on Invoice (PO or Job #)

Are you utilizing any external funding for your project (ex. FEMA, CARES): Y [] or N []

Please list all external sources: _____

Contract Contact

Email

Phone

Ext.

Fax

Project Contact

Email

Phone

Ext.

Fax

COUNCIL ACTION FORM

Meeting Date: October 13, 2022

Staff Contact: Curt Mansell, Chief of Police

Agenda Item: Consider Agreement for Crossing Guard Services with All City Management Services Inc. for the 2022 – 2023 School Year

Background / Description of Item:

- The safety of our elementary students is paramount
- All City Management Services Inc. has successfully provided crossing guard services for Westwood for several years.
- Background checks are conducted on all guards.
- If a guard calls in sick, they are replaced by other employees or the supervisor.
- There is an increase in cost this year to \$24.41 per hour with a projected annual expense of \$8,568.00.
- This is an item that is budgeted for annually
- Westwood Hills is expected to split the expense of providing this service
- Subject to review by the City Attorney

Staff Recommendation:

Request that the City Council approve and authorize the Mayor to renew the contract with All City Management Services Inc. to provide crossing guard services in the 2022-2023 school year.

Suggested Motion

I move to authorize the Mayor to renew the contract with All City Management Services Inc. to provide crossing guard services in the 2022-2023 school year.



ALL CITY MANAGEMENT SERVICES

May 16, 2022

Chief Curt Mansell
Chief of Police
City of Westwood
4700 Rainbow Blvd., Westwood, KS 66205

Dear Chief Curt Mansell,

It is once again the time of the year when many agencies are formulating their budgets for the coming fiscal year. Toward that end, please allow this letter to serve as confirmation of our interest in extending our agreement for providing School Crossing Guard Services through the 2022-2023 fiscal year.

As you may know hiring challenges have impacted all sectors of the labor market, across the nation. Our workforce has been decimated, the number of sites that remained unstaffed in spite of our doubling down on ads, incentives and recruitment efforts has been frightening to say the least.

In our industry our workforce has historically maintained an average age of approximately 64 years old. Since COVID and as a direct result of the lives lost, the risk inherent with this age group and the fears still prevalent we've lost a significant portion of our workforce. The net effect has been a younger workforce that expects and demands wage rates higher than minimum wage. When we factor in a higher cost of living, the rising costs of gas with most Crossing Guards required to go back and forth to work 2, 3 or 4 times a day, the demand for higher wages is predictable.

Our plan as we enter the coming school year is to offer more competitive wages. This will mean significantly higher billing rates for most programs throughout the nation. To facilitate the calculation of the annual program cost we have developed and included with this letter a Client Worksheet. This Worksheet is our best estimation of the hours and cost of your program based on the current schedules and the proposed price increase.

While we remain committed to providing a safe, cost-effective and professional School Crossing Guard Program we hope you will find this new pricing acceptable. If you have any questions or need additional information, please contact me at (800) 540-9290. Take care.

Sincerely,

Baron Farwell,
General Manager

All City Management Services Inc.

Client Worksheet 2022 - 2023

Department: 2500501

Billing Rate for 2022/2023: \$24.41

City of Westwood
4700 Rainbow Blvd.
Westwood, KS 66205

KEY:

Traditional Calendar:

For sites with no regularly scheduled early release days, use 180 regular days

For sites with one regularly scheduled early release day/week, use 144 regular days and 36 minimum days

Sites with traditional calendar:

		2		144		\$24.41	=	\$7,030.08
1	Site at 2.0 hrs per day	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		

		1.75		36		\$24.41	=	\$1,537.83
	Site at 1.75 hrs ER for site above	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		

TOTAL PROJECTED HOURS

351

TOTAL ANNUAL PROJECTED COST

\$8,567.91



AGREEMENT FOR CROSSING GUARD SERVICES

This AGREEMENT FOR CROSSING GUARD SERVICES (the “Agreement”) is dated July __, 2022 and is between the CITY OF WESTWOOD (hereinafter called the "City"), and ALL CITY MANAGEMENT SERVICES, INC., a California corporation (hereinafter called the "Contractor").

WITNESSETH

The parties hereto have mutually covenanted and agreed as follows:

1. This Agreement is for a term which commences on or about July 1, 2022 and ends on June 30, 2023 and for such term thereafter as the parties may agree upon.
2. The Contractor will provide personnel equipped and trained in appropriate procedures for crossing pedestrians in marked crosswalks. Such personnel shall be herein referred to as a “Crossing Guard”. Contractor will perform criminal background checks and confirm employment eligibility through E-Verify on all prospective personnel. The Contractor is an independent contractor and the Crossing Guards to be furnished by it shall at all times be its employees and not those of the City.
3. The City’s representative in dealing with the Contractor shall be designated by the City of Westwood.
4. The City shall determine the locations where Crossing Guards shall be furnished by the Contractor. The Contractor shall provide at each designated location personnel properly trained as herein specified for the performance of duties as a Crossing Guard. The Contractor shall provide supervisory personnel to see that Crossing Guard activities are taking place at the required places and times, and in accordance with the terms of this Agreement.
5. The Contractor shall maintain adequate reserve personnel to be able to furnish alternate Crossing Guards in the event that any person fails to report for work at the assigned time and location and agrees to provide immediate replacement.
6. In the performance of its duties the Contractor and all employees of the Contractor shall conduct themselves in accordance with the conditions of this Agreement and all applicable laws of the state in which the Services are to be performed.
7. Persons provided by the Contractor as Crossing Guards shall be trained in all applicable laws of the state in which the Services are to be performed pertaining to general pedestrian safety in school crossing areas.
8. Crossing Guard Services (the “Services”) shall be provided by the Contractor at the designated locations on all days in which school is in session in the area under City’s jurisdiction. The Contractor also agrees to maintain communication with the designated schools to maintain proper scheduling.

9. The Contractor shall provide all Crossing Guards with apparel by which they are readily visible and easily recognized as Crossing Guards. Such apparel shall be uniform for all persons performing the duties of Crossing Guards and shall be worn at all times while performing said duties. This apparel must be appropriate for weather conditions. The Contractor shall also provide all Crossing Guards with hand-held Stop signs and any other safety equipment which may be necessary.
10. The Contractor shall at all times provide workers' compensation insurance covering its employees and shall provide and maintain liability insurance for Crossing Guard activities. The Contractor will provide to the City a Certificate of Insurance naming the City and its officials, officers and employees as additional insureds. Such insurance shall include commercial general liability with a combined single limit of not less than \$1,000,000.00 per occurrence and in aggregate for property damage and bodily injury. Such insurance shall be primary with respect to any insurance maintained by the City and shall not call on the City's insurance contributions. Such insurance shall be endorsed for contractual liability and personal injury and shall include the City, its officers, agents and interest of the City. Such insurance shall not be canceled, reduced in coverage or limits or non-renewed except after thirty (30) days written notice has been given to the City.
11. Contractor agrees to defend, indemnify and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions, claims for damages to persons or property, penalties, obligations or liabilities (each a "Claim" and collectively, the "Claims") that may be asserted or claimed by any person, firm, entity, corporation, political subdivision or other organization arising out of the sole negligent acts or omissions, or willful misconduct, of Contractor, its agents, employees, subcontractors, representatives or invitees.
 - a) Contractor will defend any action or actions filed in connection with any of said claims, damages, penalties, obligations or liabilities and will pay all costs and expenses including attorney's fees incurred in connection herewith.
 - b) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Contractor for such damages or other claims arising out of or in connection with the sole negligence of Contractor hereunder, Contractor agrees to pay City, its officers, agents, or employees, any and all costs and expenses incurred by the City, its officers agents or employees in such action or proceeding, including, but not limited to, reasonable attorney's fees.
 - c) In the event that a court determines that liability for any Claim was caused or contributed to by the negligent act or omission or the willful misconduct of City, liability will be apportioned between Contractor and City based upon the parties' respective degrees of culpability, as determined by the court, and Contractor's duty to indemnify City will be limited accordingly.
 - d) Notwithstanding anything to the contrary contained herein, Contractor's indemnification obligation to City for Claims under this Agreement will be limited to the maximum combined aggregate of Contractor's general liability and umbrella insurance policies in the amount of \$5,000,000 (Five Million Dollars).
12. Either party shall have the right to terminate this Agreement by giving sixty (60) days written notice to the other party.

13. The Contractor shall not have the right to assign this Agreement to any other person or entity except with the prior written consent of the City.
14. The City agrees to pay the Contractor for the Services rendered pursuant to this Agreement the sum of Twenty-four Dollars and Forty-one Cents (**\$24.41**) per hour, per Crossing Guard during the term. Based on a minimum of one (1) site the Contractor shall bill a minimum of 2.0 hours per day, per Crossing Guard, unless Contractor fails to perform service. Based upon a projected (351) hours of service the cost shall not exceed Eight Thousand, Five Hundred Sixty-eight Dollars (\$8,568.00) per year.
15. Payment is due within thirty (30) days of receipt of Contractor's properly prepared invoice.
16. Contractor may request a price increase during the term as a result of any legally-mandated increases in wages or benefits imposed in the state or municipality in which the Services are to be performed and to which Contractor's employees would be subject. Contractor shall provide City with 60 days-notice of its request to increase pricing. City agrees to review and respond to said notice within 30 days of receipt.
17. The City shall have an option to renew this Agreement. In the event this Agreement is extended beyond the end of the term set forth above, the compensation and terms for the Services shall be established by mutual consent of both parties.
18. This Agreement constitutes the complete and exclusive statement of the agreement among the parties with respect to the subject matter hereof and supersedes all prior written or oral statements among the parties, including any prior statements, warranties, or representations. This Agreement is binding upon and will inure to the benefit of the parties hereto and their respective heirs, administrators, executors, successors, and assigns. Each party hereto agrees that this Agreement will be governed by the law of the state in which the Services are to be performed, without regard to its conflicts of law provisions. Any amendments, modifications, or alterations to this Agreement must be in writing and signed by all parties. There will be no presumption against any party on the ground that such party was responsible for preparing this Agreement or any part of it. Each provision of this Agreement is severable from the other provisions. If any provision of this Agreement is declared invalid or contrary to existing law, the inoperability of that provision will have no effect on the remaining provisions of the Agreement which will continue in full force and effect.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year written below.

CITY

CONTRACTOR

City of Westwood

All City Management Services, Inc.

By _____
Signature

By _____
D. Farwell, Corporate Secretary

Print Name and Title

Date _____

Date _____