

**GOVERNING BODY WORKSHOP AGENDA
ROELAND PARK
Roeland Park City Hall, 4600 W 51st Street
Monday, March 4, 2024 6:00 PM**

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| <ul style="list-style-type: none">• Michael Poppa, Mayor• Emily Hage, Council Member• Benjamin Dickens, Council Member• Jan Faidley, Council Member• Jennifer Hill, Council Member | <ul style="list-style-type: none">• Jeffrey Stocks, Council Member• Tom Madigan, Council Member• Kate Raglow, Council Member• Matthew Lero, Council Member | <ul style="list-style-type: none">• Keith Moody, City Administrator• Jennifer Jones-Lacy, Asst. Admin.• Kelley Nielsen, City Clerk• John Morris, Police Chief• Donnie Scharff, Public Works Director |
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Admin	Finance	Safety	Public Works
Lero	Stocks	Hage	Raglow
Faidley	Dickens	Hill	Madigan

I. APPROVAL OF MINUTES

- A. Governing Body Workshop Meeting Minutes February 19, 2024

II. DISCUSSION ITEMS:

1. Review Chapter 1 of City Code (20 min)
2. Discuss Elections for Appointed Governing Body Members

III. NON-ACTION ITEMS:

IV. ADJOURN

Welcome to this meeting of the Committee of the Whole of Roeland Park.

Below are the Procedural Rules of the Committee

The governing body encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules before the meeting begins.

- A. **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering;

whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the Committee of the Whole meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. **Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.**

- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the Committee of the Whole during Public Comments and/or before consideration of any agenda item; however, no person shall address the Committee of the Whole without first being recognized by the Chair or Committee Chair. Any person wishing to speak at the beginning of an agenda topic, shall first complete a Request to Speak form and submit this form to the City Clerk before discussion begins on that topic.
- C. **Purpose.** The purpose of addressing the Committee of the Whole is to communicate formally with the governing body with a question or comment regarding matters that are on the Committee's agenda.
- D. **Speaker Decorum.** Each person addressing the Committee of the Whole, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the committee meeting. Any person, who so disrupts the meeting shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Committee of the Whole, each speaker shall limit comments to two minutes per agenda item. If a large number of people wish to speak, this time may be shortened by the Chair so that the number of persons wishing to speak may be accommodated within the time available.
- F. **Speak Only Once Per Agenda Item.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.
- G. **Addressing the Committee of the Whole.** Comment and testimony are to be directed to the Chair. Dialogue between and inquiries from citizens

and individual Committee Members, members of staff, or the seated audience is not permitted. Only one speaker shall have the floor at one time. Before addressing Committee speakers shall state their full name, address and/or resident/non-resident group affiliation, if any, before delivering any remarks.

- H. **Agendas and minutes** can be accessed at www.roelandpark.org or by contacting the City Clerk

The governing body welcomes your participation and appreciates your cooperation. If you would like additional information about the Committee of the Whole or its proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: **APPROVAL OF MINUTES- I.-A.**
Committee **3/4/2024**
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Governing Body Workshop Meeting Minutes February 19, 2024**
Item Type:

Recommendation:

draft minutes

Details:

What are the racial equity implications of the objective?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
 Governing Body Workshop Meeting Minutes February 19, 2024	Cover Memo

CITY OF ROELAND PARK, KANSAS
GOVERNING BODY WORKSHOP MINUTES
ROELAND PARK CITY HALL
4600 WEST 51ST STREET, ROELAND PARK, KS 66205
February 19, 2024, 6:00 P.M.

- Michael Poppa, Mayor
- Emily Hage, Council Member
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Jennifer Hill, Council Member

- Tom Madigan, Council Member
- Jeffrey Stocks, Council Member
- Matthew Lero, Council Member
- Kate Raglow, Council Member

- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. City Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

Admin
Dickens
Lero

Finance
Hill
Stocks

Safety
Madigan
Hage

Public Works
Faidley
Raglow

(Roeland Park Governing Body Workshop Meeting Called to Order at 6:34 p.m.)

Public comment

Keith Bokelman - Mr. Bokelman owns an Airbnb in Roeland Park and offered suggestions to the Governing Body to facilitate their discussion. He would like to see the requirement that a property be owner occupied changed to the owner having lived there at least one year and an owner only have one short-term rental property in the City. He also recommended a no partying policy, having a professional property manager, and that the property should not devalue itself or surrounding properties. He also suggested front door surveillance such as a Ring and conducting a head count to ensure the correct number of people are staying at the property. Mr. Bokelman will email detailed suggestions to his ward Councilmembers.

I. MINUTES

A. Governing Body Workshop Meeting Minutes February 5, 2024

The minutes were approved as presented.

II. DISCUSSION ITEMS

1. Short Term Rental Regulation Discussion

CMBR Raglow thanked staff for putting all of the information together for the Governing Body to review before their discussion on short term rentals. City Manager Moody said they tried to put together the historical discussions, that process that has been employed up to where they are today. He also summarized comments both in support and against short-term rentals.

City Attorney Mauer wanted to address some of the comments made by Mr. Bokelman. He said that practically and legally they cannot make an exception for just one person. They are also not legally able to discriminate against who would be permitted to have a rental in the city, whether between a resident or a corporation. He also said there would be difficulty with the “no partying” requirement and a suitable definition. He said there are existing code requirements to address noise and parking

that would be able to address those related issues. In regard to the “head count,” they do not monitor that in a single-family home.

Mayor Poppa said he was on the original task group that brought this item forward to address corporations buying up properties in the city when they are meant to be a primary residence. This is why they requested the units be owner occupied and that the owner was reachable and accessible in case there were issues. He said they cannot afford to have businesses grab up properties because of the increased effect it has on property values and the community cannot afford that.

CMBR Faidley said she did review what happened historically. She said there was an enormous amount of work done and at times it was rather contentious for fear of what might happen. She thinks they are past the fear, and this is not what is motivating her. She believes they struck a happy medium, but they still need to listen to the residents and staff. She said there is a current crisis for affordable good housing, and she cannot support any changes that will remove a valid home from the market. She said the only reason to go from a long-term rental to short-term is money and that you do make much more money with a short-term rental, but it defeats the goal for those who wish to make Roeland Park their home.

CMBR Hage noted in 2018, the ad hoc committee discussed a special use permitting process, and asked if that was explored further.

CMBR Madigan said he chaired the ad hoc committee on short-term rentals and worked with Wade Holtkamp. He said there was no consensus for a special use permit. He too went back and read the notes and said there are a lot of things that he said that they should change, for example, the penalty for not having a license. Compared to other Johnson County cities, theirs is quite low.

CMBR Hage said that Kansas City has put an ordinance in place for no short-term rentals in residential zoning. She does understand the concerns but also agrees they have struck a good balance while neighboring cities are struggling with this issue. CMBR Hage said the owner-occupied element is worth looking at and her concern is that they have the ability to maintain enforcement.

CMBR Lero said there are a fair number of properties listed in Roeland Park as a short-term rental and it seems like the houses are owned by an LLC and it is hard to believe they are someone’s primary residence. He said as it sits the ordinance is not enforceable and asked if they could find another way to address that.

CMBR Hill said that people obtain an LLC for a variety of reasons to keep property out of their personal name and isn’t necessarily for business purposes.

Mr. Mauer agreed and said what is recommended for a lawyer is to have nothing titled in their name.

CMBR Madigan said he too has problem with it being enforceable. He would like to see stricter fines with licensing noting that some cities are charging \$500. He would also like to see a residence requirement in Johnson County for the property owner.

Mr. Mauer said they could expand that to include Johnson County and Wyandotte County.

CMBR Hill asked if they could create a policy where the owner or property manager had to live within a certain range. Mr. Mauer said they already have a requirement within 30 concentric miles.

Short-term rentals have become a way for someone to own their own home, and they cannot toss that out the window when it doesn't suit the needs. Also, short-term rentals are usually pristine as they rely on complimentary reviews to stay in business. Also, Mr. Holtkamp used to research the listings, which is how they enforced the licensing requirements. They do need to look at Mr. Bokelman's situation to honor his request and see what they can do.

CMBR Dickens said he is not interested in making a lot of changes and likes the balance they have struck. The housing crisis, which CMBR Faidley pointed out, does stick in his mind.

Mayor Poppa said that enforceability has come up. They have not been able to enforce this because they do not always know the information of whether it is owner-occupied. He said they continue to look at the sites, locate them, speak with the owners, a majority of them are Airbnb in Roeland Park, and the owners do follow the guidelines of the ordinance.

Ms. Jones-Lacy added they have sent letters recently to those they suspect of not following the guidelines. Everyone has specific documents to go through and sign that they are the legal owner of the property and that they live there to be able to get the license. They do follow up with the registered owners of unlicensed properties and try to get them to comply.

CMBR Lero said it is easier to get away with a long-term being in bad shape for a longer time than it is for a short-term. He also said that the fear of short-term rentals has changed. He said it also brings that extra income into the city as well.

CMBR Faidley said she would like to avoid dog whistles and that she has had a substantial number of long-term renters in her area. She also noted that the state of a property falls to the property owner and the city has the ability to enforce codes across the board. She said that a lot of people need those long-term rentals to be available.

The Governing Body continued to discuss enforceability of the codes, fines, limiting locations and numbers owned by an individual.

CMBR Raglow concluded the discussion and said they are all torn. Individually, she would like to side with Mr. Bokelman. Everyone wants the ability to be able to make their lives better, afford their house, provide for education, and save for retirement. She proposed they have another discussion about opening the rentals to residents of Johnson County versus owner-occupied.

CMBR Madigan said he would like to have that discussion soon.

CMBR Raglow said she appreciated Mr. Bokelman coming several times to speak with them, in addition to the phone calls and emails he has sent, and that they appreciated him doing the right thing. She said they need to determine how they can make this a better process for people.

Mayor Poppa suggested adding the discussion to their codes review.

CMBR Raglow noted there was majority consensus to discuss the matter again regarding residency requirements.

CMBR Dickens would like them to shrink the 30-mile radius down to 15-20 miles.

There was agreement to make the penalties stronger if a property is not properly licensed. City Manager Moody said there is no apprehension in an increase in fines. He said if a person is fraudulent of where they live in Roeland Park, they will face the same challenge within a 15-mile radius. He emphasized that if someone is willing to forge their information it will not matter if it is a Roeland Park address or some other address. He said they can restrict the density of use in an area.

CMBR Stocks asked about a transient guest tax. Ms. Jones-Lacy said they do collect that on short-term rentals.

CMBR Madigan noted the licenses have to be renewed annually and the property owner has to attest to the information and have an inspection.

There was majority consensus to look at radius/mileage residency requirements, increasing penalties regarding licensing, and addressing Mr. Bokelman's situation.

2. Review Mission Road Preliminary Designs and Provide Direction

City Manager Moody introduced their guests from the City of Westwood and members of the engineering team as they are working on the joint project. He stated they began discussing conceptual designs back in 2021. This is a CARS funded project and will include city resources from both Roeland Park and Westwood. Tonight, they are seeking input from the Governing Body on two design elements, the bike lanes and street lighting. Currently lights are on the east side but because of the physical environments, it points to lights being on the west side as a better approach.

Public Works Director Scharff said they have finished the preliminary plans and the survey and want to get their submission to CARS, which is due March 8th.

Greg Van Patten, Project Manager with Lamp Rynearson, said this is slated as a 2025 CARS project for Mission Road. He reviewed the existing conditions of the project area and noted there is an interlocal agreement that has been executed by Roeland Park and Westwood. He also showed the proposed changes to the road to include bike lanes, lighting, changes to the St. Agnes parking lot, and a geometric improvement at Mission Road and 53rd Street.

CMBR Hill said she wants to make sure the Council understands the history and their priority to make the City more walkable and include bike paths. She said they have heard the residents voice concerns about parking and no parking on the Westwood side. She wants to make sure that in Roeland Park the side streets are not marked with no parking, so they are available.

CMBR Lero asked how they would address the people that they are no longer able to park on the street. Mr. Van Patten said it would require a significant amount of excavation to allow for on-street parking would not be practical. City Manager Moody said it largely affects the four properties at the northern end of Mission Road and there are not any east-west streets to park in lieu of Mission. He also said it is difficult to expand those four properties.

CMBR Hill asked if they had addressed speeding on Mission Road. Mr. Van Patten said with the 5-foot bike lanes and the 10-foot driving lanes it should naturally encourage people to drive slower.

CMBR Hill said that in changing the curb at St. Agnes, they would be getting rid of their primary parking spot that they auction off. Mr. Van Patten said they need to meet with St. Agnes to discuss the project.

Mayor Poppa said he does not support speed bumps on Mission Road and jokingly added that he would support them if Westwood Mayor Waters paid for it all.

The Governing Body then reviewed the location of the four houses most impacted on Mission Road.

CMBR Faidley asked about the survey and noted that the street is not heavily parked, and they were giving people an option for bump out parking.

CMBR Dickens said the lighting on the street is difficult now and that it will be especially important to the project.

CMBR Hage asked if it would be possible for residents to park at nearby businesses outside of their normal hours. She also suggested adding a crosswalk for people would make the area safer. She also agreed with the importance of lighting due to the number of students walking. Mr. Van Patten said there is a 48th Street crosswalk.

Westwood City Administrator, Leslie Herring, said she would be happy to speak with Westwood Chiropractic to see if the business owner would be amenable to any kind of shared parking. She said at their city hall they have plenty of parking and allow residents who do not have enough room to park there. They have not allowed on-street parking for decades and it's just something that people get used to. She said she understands how difficult it is to take something away once people have it.

CMBR Faidley noted the Westwood residents can park for two hours during the hours of midnight and 6 a.m. but not overnight.

CMBR Madigan asked if they are devaluing the properties by eliminating parking for the residents, especially those that have a one-car driveway. If so, they should be compensated. He also asked if the bike lanes have to be open 24 hours a day.

City Manager Moody said they previously discussed whether it is permissible to park over a bike lane, and they have not taken that position here. On Elledge, it is marked not to park in the bike lanes.

CMBR Madigan asked in putting in bike lanes and doing away with parking, is there no possibility, no room on Mission Road for a sidewalk, road, and bike lanes. City Manager Moody said there is not.

CMBR Hill said she appreciates the work everyone has put in on this. She noted that some cities can never park on the street and that sometimes they have to do things for the greater good.

There was some discussion about the ability to park over the bike lanes during the night and moving vehicles in the morning. It was noted that a majority of cycling accidents happen when someone opens a door.

CMBR Raglow said she would like to move forward with the item as presented including eliminating on-street parking and doing the bump-out pads where they can and where residents would like them. There was majority agreement for this.

Public Works Director Scharff said a neighborhood meeting is planned for February 28th from 6 to 8 p.m. at the Roeland Park Community Center

3. Review Roe Parkway Preliminary Designs and Provide Direction

Public Works Director Scharff provided an update for the Roe Parkway project. He said this provides a connection between Roe Boulevard and Roe Parkway and includes redoing Roe Parkway. It will complete the connection with a reconfiguration of the cul-de-sac.

Dan McGhee, Senior Project Manager with Lamp Rynearson, met with residents and commercial property owners along the area to talk about project needs. They will be finalizing plans and taking them out to bid. Mr. McGhee reviewed the two phases of construction and their components. Anticipated completion of the project is the spring of 2025.

CMBR Faidley asked if in the work at the bottom of hill whether there would be a crosswalk to make it safer to cross on 48th street. Mr. McGhee said it is ADA accessible but is not sure if it is a designated crosswalk. Ms. Faidley also asked about the mature tree that will be lost and if there is an effort to replace it. Mr. McGhee said they can discuss that.

CMBR Faidley asked if the sidewalk will dead end. Mr. McGhee said it will continue all the way to Roe Boulevard right to the back of the curb. City Manager Moody said it will provide access to the northernmost property line to the EPC project. If Bolte Hall were to redevelop, there would be an opportunity to extend out to Roe Parkway.

III. NON-ACTION ITEMS

There were no minutes presented.

IV. ADJOURN

CMBR Raglow adjourned the meeting.

(Roeland Park Workshop Adjourned at 8:18 p.m.)

Item Number: DISCUSSION ITEMS- II.-1.
Committee 3/4/2024
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 3/4/2024
Submitted By: Jennifer Jones-Lacy, Assistant City Administrator/Finance Director
Committee/Department: Admin
Title: **Review Chapter 1 of City Code (20 min)**
Item Type: Discussion

Recommendation:

Review the attached presentation and redline that includes recommended changes to Chapter 1 of the City Code. Consider for future approval.

Details:

After finding some inconsistencies or errors in our code, the City Council directed staff to systematically review the entire city code, one chapter at a time and make recommended changes to better align with current practice, and help improve clarity. Attached you will find a redlined version of Chapter 1 of the City Code - General Provisions.

The Assistant City Administrator, the City Administrator and City Attorney reviewed the suggested changes. Most are clerical in nature and to better align with current regulations and state law. We also had the DEI Committee review the chapter to make recommendations that better reflected equity in the code. Those changes are included.

The attached presentation is a summary of the more significant changes which staff will walk through at the workshop.

What are the racial equity implications of the objective?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
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- ▣ Municipal Code Review Presentation Ch 1
- ▣ Chapter 1 General Provisions - Redlined

Cover Memo

Cover Memo

Municipal Code Review

Chapter 1: Administration

Significant Changes & Points of Discussion

Changes Recommended to improve DEI

- Change all pronouns to gender neutral *they* or *their* throughout.
- Sec. 1-102 Definitions: Remove the definition for Gender, which is just used to describe that all words with the “masculine gender include feminine and neuter.”
- Allow City Administrator to live within 25 miles of RP, instead of just Johnson County (described in later section)
- Sec. 1-1104 Duties & Responsibilities for Arts Advisory Committee: state that it’s the duty of the Gallery Director to “find artists *from a variety of backgrounds and cultures* to exhibit their works in the gallery”
- Sec. 1-1304 Duties & Responsibilities for Sustainability Committee: added “educating the public on the disproportionate impacts of climate change” to the list.
- Sec. 1-401 Oaths and Bonds: change to the oath (described later)

Sec. 1-203: Council President Currently elected at the first Council meeting in January

Pros to moving to March

- New council members get a chance to get comfortable and get to know one another.

Cons of moving to March

- If the council president loses their seat, the position could be vacant for the first two months of the year, or you would need to appoint an interim.
- Requires a charter ordinance change (Charter Ord 33).

Article 3. Officers and Employees



Sec. 1-308: Fiscal records (duties of the City Clerk)

Remove sections b-d stating the city clerk will assist in preparing the annual budget, audit city accounts and keep an accurate account of bonds. These duties will be moved to the City Treasurer/Finance Director.



Sec. 1-311 Duties of the City Treasurer

City Treasurer is a KS statutory term, but we are adding language to show that this is also the Finance Director.

(b) remove the requirement to give quarterly treasurer's reports in a specific month.

Add sections previously described as the City Clerk's duties (budget, auditing accounts, and keeping account of city bonds).

Article 3. Officers and Employees (cont)



Sec. 1-314: Duties of the City Engineer

Removed “The general supervision of the maintenance and repair of all public facilities.” as this is actually a Public Works Director responsibility.



Sec. 1-318: Code of Ethics

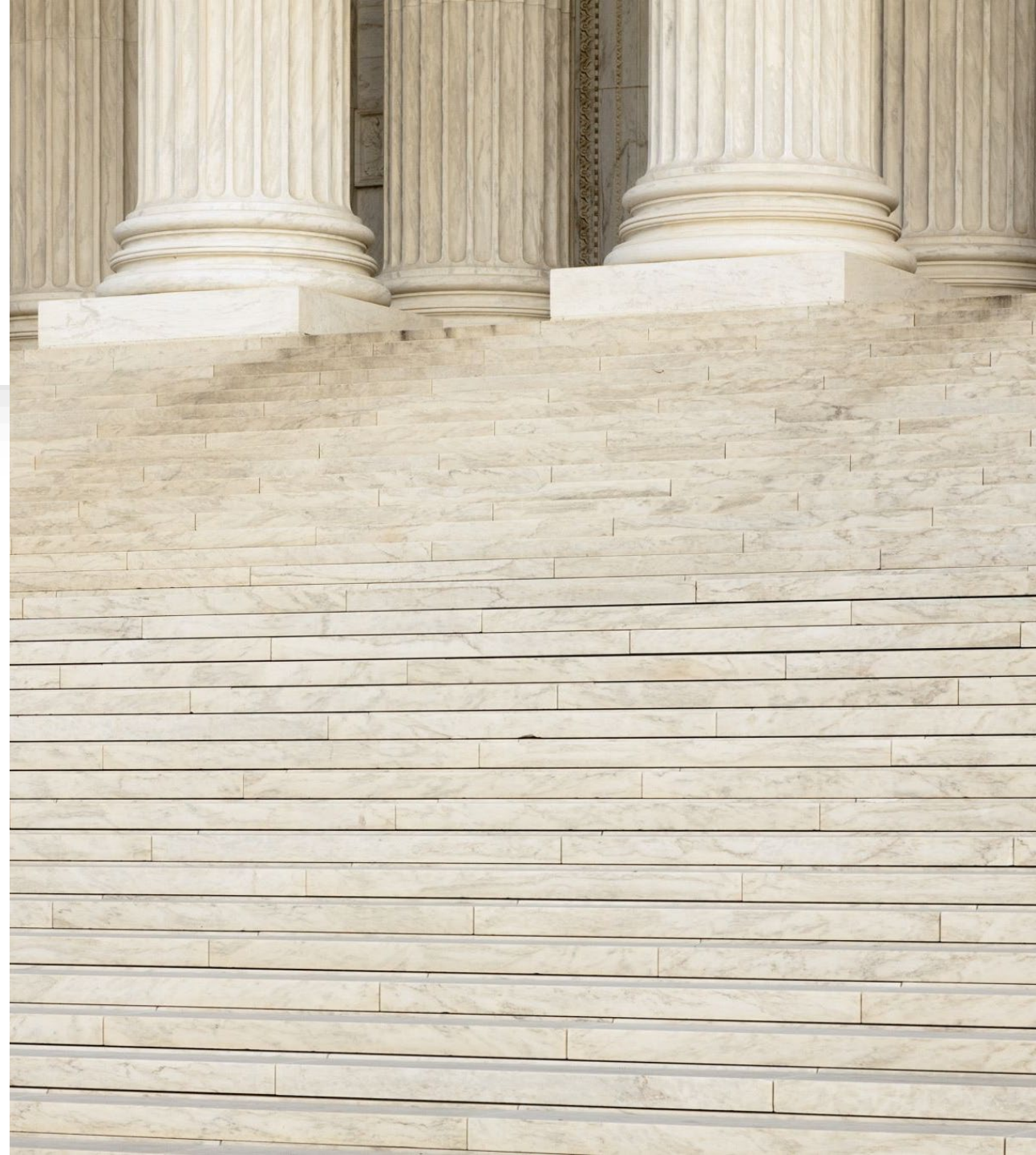
Remove all references to “ethics” attorney and replaced with “city attorney” when it comes to consulting on ethics issues.

Article 3. Officers and Employees (cont)

- Sec. 1-315 City Administrator
 - (c) *Qualifications* – remove the requirement for the person to be a resident of Johnson County and change to “live within 25 miles of Roeland Park”. This would expand the reach into Kansas City, MO and KS which are more diverse communities.
 - Also removing “public relations” as a qualifying experience and changing it to “or related fields”.
 - *and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration or related fields.*
 - (g)(4) Remove the duty of providing an annual report on city affairs to Council. This is done through regular updates from PW, PD, and finance and the updates on Strategic Planning and Objectives reports.
 - Also added national conferences to the “conference attendance” section (12)

Article 4. Oaths and Bonds

- Sec. 1-401: remove “So help me God” from the oath.
 - This was recommended by the DEI committee. Precedence in Lawrence, KS.
- Sec. 1-403: remove section on bonds and replace with Insurance Required in the amount of at least \$500k per occurrence.
 - The City does not provide bonds any longer for specific public officials and has a blanket liability policy.



Article 6. Open Records

- Sec. 1-610. Requests to Be Directed to ~~Custodians~~ the City Clerk.
 - All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their requests to the ~~custodian charged with responsibility for the maintenance of the record sought to be inspected or copied~~ City Clerk who will forward the request to the appropriate record custodian.
 - ~~• (b) Whenever any City officer or employee appointed or designated as a custodian under this article is presented with a request for access to, or copy of, a public record which record the custodian does not have in his or her possession and for which he or she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.~~
 - Streamlining this and having all requests flow through the City Clerk who will forward them on to the correct individuals/custodians.



Article 7: Investment of Public Funds

- This section was reviewed, and updates were made based on recommendations from the City's Financial Advisors at Columbia Capital and complies with state law.
- Sec. 1-708: Removed the section that states we will deposit all interest in the General Fund. We deposit interest in all of our funds based on the percentage of total idle cash invested from each fund.



Changes to All Standing Committees

- Each Committee will have
 - 2 Council members, one primary and one alternate
 - Up to nine additional members
 - A majority shall be residents of the City
- At the first meeting of each year, committees shall elect a chair and vice chair or co-chairs as determined by the committee.



Article 12. Youth Advisory Committee

- Deleted this section as this committee has never been established due to a lack of interest.
- Staff recommends incorporating youth into standing committees if there is a desire to have youth involvement.



Possible Charter Ordinance Changes:

- Charter Ord. 32
 - **Sec. 1-301. Appointment**
 - The Mayor shall appoint, by and with the consent of the Council, a Judge of the Municipal Court, a City Attorney, a City Prosecutor, ~~an Ethics Attorney~~ and a City Engineer. Prior to any initial appointment, ~~a committee of the Governing Body appointed by the City Council~~ of staff and the Governing Body shall interview candidates for the position and recommend one for appointment by the Mayor.
 - **Note – this was changed via ord 1050 on Jan 2, 2024, however it actually requires a charter ordinance to remove.**
- Charter Ord 33:
 - **Sec. 1-203. President of the Council.**
 - (a) change council president election to March instead of January.
 - (b)(2) Under duties of Council President, leave “Preside at all Governing Body Workshops” and strike “given that co-chairs may present items specific to their assigned service area (i.e. Administration, Public Works, Public Safety, or Finance)”

ARTICLE 1. GENERAL PROVISIONS

Sec. 1-101. Code Designated.

The chapters, articles and sections herein shall constitute and be designated as "The Code of the City of Roeland Park, Kansas," and may be so cited. The Code may also be cited as the "Roeland Park City Code."

(Code 1986)

Sec. 1-102. Definitions.

In the construction of this Code and of all ordinances of the City, the following definitions and rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

- (a) *Bond*. When a bond is required, an undertaking in writing shall be sufficient.
- (b) *City* shall mean the City of Roeland Park, Kansas.
- (c) *Code* shall mean "The Code of the City of Roeland Park, Kansas."
- (d) *Computation of time*. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be a Saturday, Sunday, or legal holiday, that day shall be excluded.
- (e) *County* means the County of Johnson in the State of Kansas.
- (f) *Delegation of authority*. Whenever a provision appears requiring or authorizing the head of a department or officer of the City to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.
- (g) ~~Gender. Words importing the masculine gender include the feminine and neuter.~~
- (h) *Governing body* shall be construed to mean the Mayor and City Council of the City.
- (i) *In the City* shall mean and include all territory over which the City now has, or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.
- (j) *Joint authority*. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- (k) *Month* shall mean a calendar month.
- (l) *Number*. Words used in the singular include the plural and words used in the plural include the singular.
- (m) *Oath* includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the word "swear" is equivalent to the word "affirm."
- (n) *Officers, departments, etc.* Officers, departments, boards, commissions and employees referred to in this Code shall mean officers, departments, boards, commissions and employees of the City of Roeland Park, unless the context clearly indicates otherwise.

Commented [JL1]: This is something we can change throughout the code: use gender neutral pronouns-DEI item. Then this definition can go away or change.

- (o) *Owner* applied to a building or land, shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land.
- (p) *Person* includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.
- (q) *Property* includes real, personal and mixed property.
- (r) *Real property* includes lands, tenements and hereditaments, and all rights thereto and interest therein, equitable as well as legal.
- (s) *Shall, may*. "Shall" is mandatory and "may" is permissive.
- (t) *Sidewalk* means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- (u) *Signature, subscription* includes a mark when the person cannot write, when ~~his or her~~their name is written near such mark and is witnessed by a person who writes ~~his or her~~their own name as a witness.
- (v) *State* shall be construed to mean the State of Kansas.
- (w) *Street* means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the City.
- (x) *Tenant or occupant* applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, whether alone or with others.
- (y) *Tenses*. Words used in the past or present tense include the future as well as the past and present.
- (z) *Writing or written* may include printing, engraving, lithography and any other mode of representing words and letters, except those cases where the written signature or the mark of any person is required by law.
- (aa) *Year* means a calendar year, except where otherwise provided.

(Code 1986)

Sec. 1-103. Existing Ordinances.

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.~~hno;~~ (Code 1986)

Sec. 1-104. Effect of Repeal.

The repeal of an ordinance shall not revive an ordinance previously repealed, nor shall such repeal affect any right which has accrued, any duty imposed, any penalty incurred or any proceeding commenced under or by virtue of the ordinance repealed, except as shall be expressly stated therein.~~hno;~~ (Code 1986)

Sec. 1-105. Catchlines of Sections.

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.

(Code 1986)

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(Supp. No. 15, Update 5)

Sec. 1-106. Parenthetical and Reference Matter.

The matter in parenthesis at the ends of sections is for information only and is not a part of the Code. Citations indicate only the source and the text may or may not be changed by this Code. This Code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015. Reference matter not in parenthesis is for information only and is not a part of this Code.

(Code 1986)

Sec. 1-107. Amendments: Repeal.

Any portion of this Code may be amended by specific reference to the section number as follows: "Section _____ of the Code of the City of Roeland Park is hereby amended to read as follows: (the new provisions shall then be set out in full)..." A new section not heretofore existing in the Code may be added as follows: "The Code of the City of Roeland Park is hereby amended by adding a section (or article or chapter) which reads as follows...(the new provisions shall be set out in full)..." All sections, or articles, or chapters to be repealed shall be repealed by specific reference as follows: "Section (or article or chapter) _____ of the Code of the City of Roeland Park is hereby repealed."

(Code 1986)

Sec. 1-108. Powers Generally.

All powers exercised by cities of the second class, or which shall hereafter be conferred upon them, shall be exercised by the Governing Body, subject to such limitations as prescribed by law.

(Code 1986)

Sec. 1-109. Ordinances.

The Governing Body shall have the care, management and control of the City and its finances, and shall pass all ordinances needed for the welfare of the City. All ordinances shall be valid when a majority of all the members-elect of the City Council shall vote in favor. Where the number of favorable votes is one less than required, the Mayor shall have power to cast the deciding vote in favor of the ordinance.

(Code 1986)

State law reference(s)—K.S.A. 12-3002.

Sec. 1-110. Same; Subject and Title; Amendment.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed.

(Code 1986)

State law reference(s)—K.S.A. 12-3004.

Sec. 1-111. Same; Publication.

No ordinance, except those appropriating money, shall be in force until the ordinance, or a certified summary thereof, is published in the official City newspaper by the City Clerk. One publication of any such ordinance shall be sufficient unless additional publications are required by statute or ordinance. The publisher of the newspaper shall prefix such published ordinance by a line in brackets stating the month, day and year of such publication.

(Code 1986)

State law reference(s)—K.S.A. 12-3007.

Sec. 1-112. Same; [Code of Ordinances](#) ~~Book~~.

Following final passage and approval of each ordinance, the City Clerk shall enter the same in the [ordinance book](#) ~~code of ordinances~~ of the City as provided by law. Each ordinance shall have appended thereto the manner in which the ordinance was passed, the date of passage, the page of the journal containing the record of the final vote on its passage, the name of the newspaper in which published and the date of publication.

(Code 1986)

State law reference(s)—K.S.A. 12-3008.

Sec. 1-113. Resolutions, Motions.

Except where a state statute or City ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority of a quorum of the City Council.

(Code 1986)

Sec. 1-114. City Records.

The City Clerk or any other officer or employee having custody of City records and documents shall maintain such records and documents in accordance with K.S.A. 12-120 to 12-121 inclusive, which is incorporated by reference herein as if set out in full.

(Code 1986)

State law reference(s)—K.S.A. 12-120, 12-121.

Sec. 1-115. Altering Code.

It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Roeland Park to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this Code authorized by ordinance duly adopted by the Governing Body.

(Code 1986)

Sec. 1-116. Scope of Application.

Any person convicted of doing any of the acts or things prohibited, made unlawful, or the failing to do any of the things commanded to be done, as specified and set forth in this Code, shall be deemed in violation of this Code and punished in accordance with Section 1-117. Each day any violation of this Code continues shall constitute a separate offense.

(Code 1986)

Sec. 1-117. General Penalty.

Whenever any offense is declared by any provision of this Code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.

- (a) A fine of not more than \$2,500.00; or
- (b) Imprisonment in jail for not more than 179 days; or
- (c) Both such fine and imprisonment not to exceed subsections (a) and (b) above. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the City ordinances or this Code is committed, continued or permitted by any such person, and such person shall be punished accordingly.

(Code 1998)

Sec. 1-118. Severability.

If for any reason any chapter, article, section, subsection, sentence, clause or phrase of this Code or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this Code.

(Code 1986)

ARTICLE 2. GOVERNING BODY

Sec. 1-201. Governing Body.

The Governing Body shall consist of a Mayor and eight Councilmembers, all of whom shall be elected in the manner provided by Charter Ordinance No. 5, as set out in Chapter 6 and Appendix A of this Code.

(Code 1986)

Sec. 1-202. Mayor; Powers and Duties.

The Mayor shall:

- (a) Preside at all meetings of the Governing Body, except as set forth in subsection 1-203(b)(2);
- (b) Have the tie-breaking vote on all questions when the members present are equally divided, except as set forth in subsection 1-203(a);

-
- (c) Promote good conduct and cause to be remedied any neglect, carelessness, or other violation of duty of all elected officers;
 - (d) Sign the commissions and appointments of all officers elected or appointed;
 - (e) Endorse the approval of the Governing Body on all official bonds;
 - (f) From time to time communicate to the City Council such information and recommend such measures as ~~he or she~~they may deem advisable;
 - (g) Have the power to approve or veto any ordinance as the laws of the state shall prescribe; and
 - (h) Sign all orders and drafts drawn upon the City Treasurer for money.

(Code 1977, § 1-102; Code 1986; Chart. Ord. No. 34, § 1, 9-19-2016)

Note(s)—For authority to remove any appointed officer see Sections 1-302—1-306.

Sec. 1-203. President of the Council.

- (a) There shall be a President of the Council who shall serve a one-year term and who shall be selected in accordance with the following procedure. **At the first Council meeting in January of each year or the Council meeting following the resignation of the acting Council President, nominations shall be made and an election shall be held.** Once the nominations are made, a brief five-minute speech will be allowed from each candidate. Upon election by a majority of the Councilmembers present, the President of the Council shall be elected for the next term. The Mayor does not have a tie-breaking vote in the selection of the President of the Council. If a majority vote of Councilmembers present cannot be met, the following procedure shall be followed. If there are more than two nominations, the number of nominations shall be narrowed down to two and the process repeated. The top two vote getters shall move on. If there is a tie between the second or more vote getters, a coin flip shall decide who is in the top two. If there is a tie in the vote of the final two, a coin shall be flipped to determine the President of the Council. This process will be repeated annually each January.
- (b) The President of the Council shall have the following duties:
 - (1) Preside at meetings of the City Council in the absence of the Mayor while retaining all the privileges of a Councilmember;
 - (2) Preside at all Governing Body Workshops, ~~given that Co-Chairs may present items specific to their assigned service area (i.e. Administration, Public Works, Public Safety or Finance);~~
 - (3) Participate in meetings or events on behalf of the Mayor when the Mayor cannot attend due to a schedule conflict; and
 - (4) Advise and consult with City staff when an urgent issue arises and the Mayor cannot be reached in a reasonable period of time after attempts to reach the Mayor have been made.

(Chart. Ord. No. 26, §§ 2, 3, 5, 1-21-2014; Chart. Ord. No. 33, § 1, 9-19-2016; Ord. No. 989, § 1, 1-6-2020)

Note(s)—At the discretion of the editor, the provisions of Chart. Ord. No. 26 §§ 2 and 3, pertaining to the President of the Council have been codified as § 1-203, above. Provisions of § 4 pertaining to the Acting President of the Council have been codified as § 1-203.1, below.

Sec. 1-203.1 Acting President of the Council.

In the absence of both the Mayor and the President of the Council at a meeting of the Governing Body, the Council shall elect one of its members to serve as Acting President of the Council who shall preside at the meeting. While presiding at a meeting of the Governing Body, the Acting President of the Council shall retain all the privileges of a Councilmember. If the election for the Acting President of the Council results in a tie, a coin shall be flipped.

(Chart. Ord. No. 26, § 4, 1-21-2014; Chart. Ord. No. 33, § 2, 9-19-2016)

Sec. 1-204. Administrative Powers.

The Governing Body may 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 City Administrator or his/her designee.

(Code 1986; Ord. No. 931, § 1, 9-19-2016)

Sec. 1-204.1. Council Purpose, Powers and Duties.

- (a) *Purpose.* Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the City and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of ethics and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long-term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach. The Council is responsible for setting policy and community direction.
- (b) *Powers and Duties.* The Council has the duty to meet and consider policy and community direction issues and the authority to adopt said policy. All powers exercised by cities of the second class or which shall hereafter be conferred upon them shall be exercised by the Governing Body, subject to such limitations as prescribed by law. All legislative authority granted or limited by law shall be vested in the Mayor and City Council as the Governing Body to the City. No member of the Council shall directly interfere with the conduct of any department, except at the express direction of the Council.

(Ord. No. 931, § 7, 9-19-2016)

Sec. 1-205. Meetings.

The regular meetings of the Governing Body shall be held on the first and third Monday of each month at 6:00 p.m. in the Council Chambers of the Roeland Park City Hall, 4600 West 51st Street, Roeland Park, Kansas, or at such other location as may be designated in a notice of meeting. In case the first or third Monday of any month falls on a holiday, the regular meeting shall be held on the next secular day thereafter that is not a legal holiday. In the event of an emergency which jeopardizes the safety of meeting participants or the general public, and/or ability to conduct the meetings as previously set forth, alternative arrangements may be made. To do so, the Mayor, Council President, and City Administrator must all agree as to a date, time and procedure to conduct the meeting. In that event, the limitations of Section 1-1604 shall not apply.

(Ord. 771, § 1; Code 2007; Ord. No. 900, § 1, 11-17-2014; Ord. No. 982, § 1, 7-22-2019; Ord. No. 992, § 1, 3-16-2020)

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Sec. 1-206. Special Meetings.

Special meetings of the Governing Body shall be called by the Mayor at any time upon written request of not fewer than three members of the City Council.

(Ord. 786, § 1; Code 2007)

State law reference(s)—K.S.A. 14-111.

Sec. 1-207. Workshops.

The regular meetings of the Governing Body Workshop shall be held on the first and third Mondays of each month immediately following the regular meeting of the Governing Body in or adjacent to the Council Chambers of the Roeland Park City Hall, 4600 West 51st Street, Roeland Park, Kansas, or at such other location as may be designated in a notice of meeting. In case the first or third Monday of any month falls on a holiday, the regular meeting may be held on the next secular day thereafter that is not a legal holiday or the fourth Monday of the same month. The procedure for a Councilmember to add a topic as an agenda item for a Workshop meeting shall be as follows:

- (1) A Councilmember generates an idea for an agenda topic;
- (2) The Councilmember gains the support of two (2) other Councilmembers;
- (3) The Councilmember submits a completed Action Form to the City Administrator;
- (4) The City Administrator takes the completed Action Form to the agenda-setting meeting with the Mayor and Council President;
- (5) Space is identified for discussion of the topic on an upcoming Workshop agenda (not necessarily the next Workshop meeting); and
- (6) The topic is placed on an upcoming agenda and workshopped.

(Ord. No. 931, § 2, 9-19-2016; Ord. No. 982, § 2, 7-22-2019)

Editor's note(s)—Ord. No. 931, § 2, adopted Sept. 19, 2016, repealed the former § 1-207, and enacted a new § 1-207 as set out herein. The former § 1-207 pertained to adjourned meetings and derived from Code 1986.

Sec. 1-208. Quorum.

At all meetings of the Governing Body, a majority of the Councilmembers elect, [excluding the Mayor](#), shall constitute a quorum to do business, but a minority may adjourn from day to day and may compel the attendance of absentees by a fine not exceeding \$10.00 for each offense unless a reasonable excuse be offered.

(Code 1977, § 1-103; Ord. No. 931, § 3, 9-19-2016)

State law reference(s)—K.S.A. 14-111.

Sec. 1-209. Compensation.

- (a) The Mayor shall receive a salary of \$510.00 per month for [his or her](#) services. Each Councilmember shall receive a salary of \$425.00 per month for [his or her](#) services.

-
- (b) The Mayor or any Councilmember may elect to receive monthly compensation in amounts less than the amounts set forth in this section. Such election may be made by the Mayor or any Councilmember irrespective of any election made by any other member of the Governing Body.
 - (c) Any election made pursuant to subsection (b) shall be effective beginning the pay period following the submission of a written request therefore, and shall remain in effect for a period of one year or the end of that Governing Body member's term of office, whichever occurs first. If, at the expiration of any such period, the Governing Body member does not renew such election in writing, the Governing Body member shall automatically be compensated in the monthly amount specified in this section.

(Ord. No. 852, §§ 1—4)

Sec. 1-210. Expenses.

Members of the Governing Body shall be reimbursed for all expenses incurred in the performance of their official duties. However, no expense shall be reimbursed until an itemized accounting ~~shall have been presented is~~ [provided to the City Clerk](#) and [the payment is](#) approved by the Governing Body in a regular meeting of the Council.

(Code 1986)

Sec. 1-211. Incorporating Code of Procedure for Kansas Cities.

There is hereby incorporated by reference for the purpose of regulating Governing Body procedures, that certain standard code known as the "Code of Procedure for Kansas Cities, Fourth Edition," prepared and published in pamphlet form by the League of Kansas Municipalities, Topeka, Kansas, save and except such sections as are hereafter modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, and K.S.A. 12-3301 and 12-3302, as amended. At least one copy of said Code of Procedure for Kansas Cities shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1046," with all sections or portions thereof intended to be changed clearly marked to show any such change, and to which shall be attached a copy of the ordinance from which this section is derived, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The City Attorney, Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Code of Procedure for Kansas Cities similarly marked, as may be deemed expedient. This section shall take effect upon the publication of the ordinance from which this section is derived, or the publication of a summary thereof, in the official City's designated newspaper.

(Ord. No. 899, § 1, 9-22-2014; Ord. No. 1046, 6-10-2023)

Editor's note(s)—Ord. No. 899, § 1, adopted September 22, 2014, repealed the former § 1-211, and enacted a new § 1-211 as set out herein. The former § 1-211 pertained to rules and order of business and derived from Ord. No. 872, § 1.

Sec. 1-212. Same; Amendment to Section 7.

Section 7 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Public Comment. The Governing Body may by resolution adopt guidelines for the consideration of public comment at meetings of the Governing Body.

(Ord. No. 899, § 2, 9-22-2014; Ord. No. 931, § 4, 9-19-2016)

Sec. 1-213. Same; Amendment to Section 21.

Section 21 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Motion to Refer; Motion to Table; Motion to Take From Table. If the Governing Body deems it appropriate, it may refer an ordinance, resolution, contract, or any other matter back to staff, committee, board, or other appropriate location for further review and consideration. A Motion to Refer may or may not contain a time certain for the item to be returned to the Governing Body. A pending question may also be tabled. A Motion to Table is non-debatable. A Motion to Table may or may not contain a time certain for the item to be returned to the Governing Body; however, once tabled, the question shall not be discussed until a Motion to Take From Table is passed. A Motion to Take From Table is non-debatable.

(Ord. No. 899, § 3, 9-22-2014)

Sec. 1-214. Same; Amendment to Section 33.

Section 33 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Same; Ordinary Ordinance. The adoption of an ordinary ordinance requires five (5) affirmative votes of the Council.

(Ord. No. 899, § 4, 9-22-2014)

Sec. 1-215. Same; Amendment to Section 35.

Section 35 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Same; Ordinary Ordinance; Mayor's Veto. The Mayor may veto any ordinance passed by the Council on or before the next regularly scheduled meeting with the exception of ordinances on which the Mayor casts the deciding vote and appropriation ordinances. Ordinances not signed or vetoed by the Mayor take effect without the Mayor's signature. Any ordinance vetoed by the Mayor may be passed over the veto by a vote of six (6) councilmembers. The President of the Council, acting in the absence of the Mayor, shall have no power to sign or veto ordinances.

(Ord. No. 899, § 5, 9-22-2014)

Sec. 1-216. Same; Amendment to Section 37.

Section 37 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Same; Charter Ordinance. The adoption of a charter ordinance requires six (6) affirmative votes of the Governing Body. The Mayor is a member of the Governing Body and shall vote on a charter ordinance, but has no power to veto a charter ordinance.

(Ord. No. 899, § 6, 9-22-2014)

Sec. 1-217. Same; Addition to Code of Procedure for Kansas Cities (Chairs and Co-Chairs of Service Areas).

The following shall be an addition to the Code of Procedure for Kansas Cities:

Chairs and Co-Chairs of Service Areas. All members of the City Council shall serve as Service Area representatives. Two members shall be appointed annually to serve one-year terms as Co-Chairs of each standing Service Area for the following year. Beginning on January 1, 2017, service area membership shall rotate annually each March in accordance with the schedule set forth below. The following shall be the standing Service Areas:

Administrative (1)

Finance (2)

Safety (3)

Public Works (4)

Each Council position has been assigned a position number for purposes of Service Area assignments:

Ward	Term Expiring	Position
1	2027 (2031) 2019 (2023)	1
1	2025 (2029 5)	2
2	2025 (2029 5)	3
2	2027 (2031 23)	4
3	2025 (2029 5)	5
3	2027 (2031 23)	6
4	2025 (2029 5)	7
4	2027 (2031 23)	8

Appointments will change on an eight-year rotation schedule according to the following schedule:

Service Area	2024	2025	2026	2027	2028	2029	2030	2023 2031	2024	2025	2026	2027	2028
(1)	8-1	1-7	7-2	2-6	6-3	3-5	5-4	4-8	8-1	1-7	7-2	2-6	6-3
(2)	7-4	4-6	6-1	1-5	5-2	2-8	8-3	3-7	7-4	4-6	6-1	1-5	5-2
(3)	6-3	3-5	5-4	4-8	8-1	1-7	7-2	2-6	6-3	3-5	5-4	4-8	8-1
(4)	5-2	2-8	8-3	3-7	7-4	4-6	6-1	1-5	5-2	2-8	8-3	3-7	7-4

Whoever is elected to fill that member's seat will take the position that the outgoing member had in the rotation. At the end of the rotation after year 8, the rotation schedule will start over (with the assignments being the same as for year 1).

(Ord. No. 899, § 7, 9-22-2014; Ord. No. 931, § 5, 9-19-2016; Ord. No. 1048, § 1, 8-7-2023)

Editor's note(s)—Ord. No. 931, § 5, adopted Sept. 19, 2016, changed the title of § 1-217 from "Same; Addition to Code Procedure for Kansas Cities (Standing Committees of the City Council)" to "Same; Addition to Code of Procedure for Kansas Cities (Chairs and Co-Chairs of Service Areas)."

Sec. 1-218. Same; Deletions from Code of Procedure for Kansas Cities.

Sections 36, 38 and 41 of the Code of Procedure for Kansas Cities are hereby deleted in their entirety.

(Ord. No. 899, § 8, 9-22-2014)

Sec. 1-219. Same; Amendment to Section 23.

Section 23 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Motion to Call the Previous Question. A Motion to Call the Previous Question is not debatable and, if passed by a majority of the City Council present and voting at a meeting, calls for an immediate vote on the substantive motion. This motion requires a vote.

(Ord. No. 900, § 2, 11-17-2014)

Sec. 1-220. Same; Amendment to Section 27.

Section 27 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Form of Vote. All votes shall be by voice vote, a "show of hands," or a roll call vote. No vote shall be by secret ballot.

(Ord. No. 900, § 3, 11-17-2014)

Sec. 1-221. Same; Amendment to Section 42.

Section 42 of the Code of Procedure for Kansas Cities is hereby amended to read as follows:

Rules. For those matters not covered by these rules, the procedure shall be as decided by a majority vote of the City Council. These rules may be amended after their adoption by a subsequent ordinance amending the specific rules as identified in the amending ordinance. Such ordinance amends the adopting ordinance.

(Ord. No. 900, § 4, 11-17-2014)

Sec. 1-222. Same; Addition to Code of Procedure for Kansas Cities (Point of Order; Appeal).

The following shall be an addition to the Code of Procedure for Kansas Cities:

Point of Order; Appeal. When a member of the Governing Body believes that any person is violating one of these rules of procedure or any procedural guidelines adopted pursuant to section 7 of these rules of procedure, or any amendments thereto, ~~he or she~~^{they} may raise a Point of Order, thereby calling upon the Chair of the meeting for a ruling and an enforcement of the rules. Any two members of the Governing Body may appeal from the decision of the Chair on a Point of Order. By one member taking the appeal and the second member seconding it, the question is taken from the Chair and vested in the Governing Body for final decision. The question on an Appeal is whether the ruling of the Chair shall be upheld. The Chair does not vote on an Appeal. An Appeal is not debatable, and a majority or tie vote sustains the ruling of the Chair.

(Ord. No. 900, § 5, 11-17-2014)

ARTICLE 3. OFFICERS AND EMPLOYEES

Sec. 1-301. Appointment.

The Mayor shall appoint, by and with the consent of the Council, a Judge of the Municipal Court, a City Attorney, a City Prosecutor, ~~an Ethics Attorney~~ and a City Engineer. Prior to any initial appointment, a committee of ~~the Governing Body appointed by the City Council~~^{staff and the Governing Body} shall interview candidates for

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the position and recommend one for appointment by the Mayor. Any officers appointed and confirmed shall hold an initial term of office of not to exceed one year and until their successors are appointed and qualified. Any officers who are reappointed shall hold their offices for a term of one year and until their successors are appointed and qualified. The Council shall by ordinary ordinance specify the duties and compensation of the office holders, and by ordinary ordinance may abolish any office created by the Council whenever deemed expedient.

(Chart. Ord. No. 24, § 1; Code 2012; Chart. Ord. No. 32, § 10, 7-18-2016)

Sec. 1-302. Removal.

In addition to all other powers conferred by ordinance, statute or law upon the Mayor and City Council for the removal of appointed officials of the City, officers appointed by the Mayor with the consent of the City Council may be removed from office for good cause. For the purposes of Sections 1-302—1-306, the following terms, phrases and words, and their derivations shall have the following meaning:

- (a) *Good cause* shall mean any act or acts by an officer which constitutes misconduct, misfeasance, malfeasance, gross neglect of official duty or incompetency.
- (b) *Gross neglect of official duty* shall mean willful failure to perform or utter disregard of the duties incumbent on an officer.
- (c) *Incompetency* shall mean lack of ability to discharge the required duties of an officer.
- (d) *Malfeasance* shall mean any wrongful conduct that affects, interrupts or interferes with the performance of official duties.
- (e) *Misconduct* shall mean a violation of the rules of propriety by which all persons should govern their behavior.
- (f) *Misfeasance* shall mean the improper performance of an act lawfully permitted to be performed by an officer.

(Ord. No. 425, § 1, A)

Sec. 1-303. Same; Request for Removal.

- (a) Any request for the removal of an officer for good cause shall be in writing by the Mayor or a member of the City Council and shall be addressed to the members of the City Council, and shall state clearly and concisely the facts constituting the cause upon which the request is based.
- (b) On receipt of such request for removal, the City Council shall cause to be sent to the officer whose removal is sought a copy of the request for removal and a statement that the officer has ten days within which to request a public or private hearing before the City Council regarding the allegations contained therein.

(Ord. No. 425, § 1, B, C)

Sec. 1-304. Same; Hearing.

If the officer whose removal is sought requests a hearing on the allegations contained in the request for removal, the City Council shall hold such hearing, either public or private as requested, at a time and place determined by the City Council, with at least five days notice of such time and place being given to the individual requesting such hearing. If no request for such hearing is received within ten days of the forwarding of the request for removal by the City Council, the City Council may proceed to act upon the request for removal without further notice.

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(Supp. No. 15, Update 5)

(Ord. No. 425, § 1, D)

Sec. 1-305. Same; Vote of Council.

Removal of an appointive officer shall be by majority vote of all elected Councilmembers, irrespective of the number of elected Councilmembers present and voting at the time of the hearing.

(Ord. No. 425, § 1, E)

Sec. 1-306. Same; Suspension.

Pending the determination of the City Council as provided in Sections 1-303—1-305, the Mayor, with the consent of the City Council, may suspend such officer with or without pay.

(Ord. No. 425, § 1, F)

Sec. 1-307. City Clerk.

The City Clerk shall:

- (a) Be custodian of all City records, books, files, papers, documents and other personal effects belonging to the City and not properly pertaining to any other office;
- (b) Carry on all official correspondence of the City;
- (c) Attend and keep a record of the proceedings of all regular and special meetings of the Governing Body;
- (d) Keep official record of ~~Enter~~ every appointment of office and the date thereof ~~in the journal~~;
- (e) Enter ~~or place~~ each ordinance of the City in the code of ordinances ~~books~~ after its passage;
- (f) Publish all ordinances, except those appropriating money, and such resolutions, notices and proclamations as may be required by law or ordinance.

(Code 1977, § 1-303; Code 1986)

Sec. 1-308. Same; Fiscal Records.

The City Clerk shall:

- (a) Prepare and keep suitable fiscal records according to generally accepted accounting principles;
- ~~(b) Assist in preparing the annual budget;~~
- ~~(c) Audit all claims against the City for goods or services rendered for the consideration of the Governing Body. His or her Their accounts shall properly show the amounts paid from any fund of the City and the cash balance existing in each fund;~~
- ~~(d) Keep an accurate account of all bonds issued by the City;~~
- (e) Keep a record of all special assessments.

(Code 1977 § 1-303; Code 1986)

Commented [JL3]: These are not exclusive duties of the Clerk

Sec. 1-309. Same; Seal; Oaths.

The City Clerk shall:

- (a) Have custody of the corporate seal of the City and shall affix the same to the official copy of all ordinances, contracts, and other documents required to be authenticated;
- (b) Have power to administer oaths for all purposes pertaining to the business and affairs of the City;
- (c) Keep suitable files of all such oaths required ~~to be deposited in his or her~~ their office.

(Code 1977, § 1-303; Code 1986)

Sec. 1-310. Same; Withholding Agent.

The City Clerk is designated as the withholding agent of the City for the purposes of the Federal Revenue (Income) Act, and shall perform the duties required of withholding agents by said act or any other act requiring withholding from the compensation of any City officer or employee. The City Clerk shall perform such other duties as may be prescribed by the Governing Body and the Kansas statutes.

(Code 1986)

Sec. 1-311. City Treasurer.

The duties of the City Treasurer, also referred to as the Finance Director, shall be as follows:

- (a) Publish or cause to be published quarterly statements of the financial records of the City in the manner and style provided by law;
- (b) Make a quarterly statement report to the Governing Body ~~on the second meeting date in February, May, August and November of~~ each year;
- (c) Perform such other and further duties as may be provided by the Governing Body such as assisting in internal control analysis and recommending changes in procedures to minimize risk of fraud and collusion in handling cash;
- (d) Reviews entries made to the general ledger for correctness; and
- (e) Advise on application of accounting principles.
- (f) The City Administrator may designate City staff to perform the duties assigned to the City Treasurer by the Code or by state statutes.

~~(g)~~ Assist in preparing the annual budget;

~~(eh)~~ Audit all claims against the City for goods or services rendered for the consideration of the Governing Body. His or her Their accounts shall properly show the amounts paid from any fund of the City and the cash balance existing in each fund;

~~(id)~~ Keep an accurate account of all bonds issued by the City;

(Code 2014)

Sec. 1-312. City Attorney.

The City Attorney shall:

- (a) Attend meetings of the City Council when so directed to attend by the City Council;
- (b) Advise the City Council and all officers of the City upon such legal questions affecting the City and its offices as may be submitted to him or her;
- (c) When requested by the City Council, give opinions in writing upon any such questions;
- (d) Draft such ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to him or her in the regular transaction of affairs of the City;
- (e) Approve all ordinances of the City as to form;
- (f) Attend Planning Commission and Board of Zoning Appeals meetings when so directed by the boards;
- (g) Prosecute municipal violations and all other matters before the municipal court, except when such violations or matters are prosecuted by the City Prosecutor.
- (h) Perform such other duties as may be prescribed by the Governing Body and the Kansas statutes.

(Code 1977, § 1-307; Code 1986)

Sec. 1-313. City Prosecutor.

The duties of the City Prosecutor shall be consistent with the duties set forth in K.S.A. 12-4110 and section 1-312 of this Code and shall consist of prosecuting cases in the municipal court and performing such other duties as assigned to him or her by the City Attorney. With the exception of the duties of assisting, conjunctively in the prosecution of matters in the municipal court, the City Prosecutor's duties shall not in any way diminish the general duties of the City Attorney as set forth in Section 1-312.

(Ord. No. 820, § 1)

Sec. 1-313A. Special Prosecutor.

Special Prosecutor shall be defined as that individual who is licensed to practice law in the State of Kansas who does not currently serve the City that is selected by the Governing Body.

(Chart. Ord. No. 12)

Sec. 1-314. City Engineer.

The City Engineer shall be responsible for:

- (a) The design and specifications for all City streets, public buildings and other public facilities, unless otherwise assigned to a third party firm;
- (b) The inspection of all public works projects including streets, and other public facilities;
- (c) ~~The general supervision of the maintenance and repair of all public facilities.~~

(Code 2014)

Sec. 1-315. City Administrator.

- (a) *Office of City Administrator established.* There is hereby created and established the office of City Administrator for the City.
- (b) *Appointment and tenure.* A qualified person shall be appointed City Administrator by the Mayor. Such appointment shall be approved by a majority of the City Council. The person so appointed shall serve at the pleasure of the Council, for an indefinite term.
- (c) *Qualifications.* The person appointed to the office of City Administrator shall be at least 25 years of age and shall ~~be a resident of Johnson County, Kansas~~ live within 25 miles of Roeland Park, unless otherwise waived, at the time of the effective date of such appointment; and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration ~~or related and/or public relations~~ fields.
- (d) *Bond.* The City Administrator, before entering upon the duties of ~~his or her~~ the office, shall file with the City a bond in the amount of \$50,000.00, such bond shall be approved by the City Council and such bond shall ensure the City for the faithful and honest performance of the duties of the City and for rendering a full and proper account to the City for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.
- (e) *Compensation.* The City Administrator shall receive such compensation as may be determined from time to time by the City Council and such compensation shall be payable bi-weekly.
- (f) *Removal of City Administrator.* The City Administrator shall serve at the pleasure of the City Council. The Mayor, with the consent of a majority of the City Council, may remove the City Administrator from office at will, and such City Administrator may also be removed by a 2/3 vote of the City Council independently of the Mayor's approval or disapproval.
- (g) *Duties.*
 - (1) *Administrative office:* The City Administrator shall be the Chief Administrative Assistant to the Governing Body. Except as otherwise specified by ordinance or by the law of the State of Kansas, the City Administrator shall coordinate and supervise the operation of all departments of the City.
 - (2) *Budget:* The City Administrator shall be the budget officer of the City in accordance with Kansas Statutes and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and the City Council for their final approval.
 - (3) *Financial reports:* The City Administrator, ~~or their designee,~~ shall make ~~monthly~~ quarterly reports to the Mayor and City Council relative to the financial condition of the City. Such reports shall show the financial conditions of the City in relation to the budget.
 - (4) ~~Annual report: The City Administrator shall prepare and present to the Mayor and the City Council an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and City Council may require.~~
 - (5) *Personnel system:* The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and City Council and administer an appropriate position classification system and pay plan, as approved by the Mayor and City Council. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification

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system. The City Administrator shall have the power to appoint and remove (in accordance with personnel system regulations approved by the City Council) all subordinate employees of the City. The City Administrator shall make recommendations to the Mayor regarding the appointment and removal of all appointive officials of the City.

- (6) *Policy formulation:* The City Administrator shall recommend to the Mayor and City Council adoption of such measures as ~~he or she~~they may deem necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City.
 - (7) *City Council agenda:* The City Administrator shall assist the Mayor in preparing an agenda for each City Council meeting at least 48 hours before the time of the regular Council meeting.
 - (8) *Boards and committees:* The City Administrator shall work with all City boards and committees to help coordinate the work of each.
 - (9) *Attend Council meetings:* The City Administrator shall attend all meetings of the City Council.
 - (10) *Bid specifications:* The City Administrator shall supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the City Council.
 - (11) *State and federal aid program:* The City Administrator shall coordinate federal and state programs which may have application to the City.
 - (12) *Conference attendance:* The City Administrator shall attend state, ~~and regional,~~ and national conferences and programs applicable to ~~his or her~~their office, and the business of the City, whenever such attendance is directed and approved by the City Council and the Mayor.
 - (13) *Press release:* The City Administrator, in conjunction with the Mayor, shall be responsible for keeping the public informed in the purposes and methods of City government through all available news media.
 - (14) *Record keeping:* The City Administrator shall keep full and accurate records of all actions taken ~~by him or her~~ in the course of ~~his or her~~their duties, and ~~he or she~~they shall safely and properly keep all records and papers belonging to the City and entrusted to ~~his or her~~their care; except as otherwise provided by law, all such records shall be and remain the property of the City and be open to inspection by the Mayor and the City Council at all times.
 - (15) *Sign contracts:* The City Administrator shall sign contracts on behalf of the City after the contract has been approved or authorized by the City Council.
 - (16) *Enforce ordinances:* The City Administrator shall execute and enforce all ordinances of the City.
 - (17) The City Administrator shall perform such other duties as may be described or amended in any City Administrator job description or employment contract.
- (h) *Powers.*
- (1) *City property:* The City Administrator shall have responsibility for all real and personal property of the City subject to ~~his or her~~their authority. ~~He or she~~They shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the City Council. Real property may be sold only with the approval of the City Council by resolution or ordinance.
 - (2) *Implement administrative policies:* The City Administrator shall have the power to prescribe such rules and regulations as ~~he or she~~they shall deem necessary or expedient for the implementation of administrative policies as set forth by the Governing Body.
 - (3) *Coordinate officials:* The City Administrator shall have the power to overrule any action taken by a department head subject to ~~his or her~~their authority, and may supersede him or her in the functions of such office.

- (4) *Investigate and report:* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under ~~his or her~~their jurisdiction, and shall report on any condition or fact concerning the City government requested by the Mayor or City Council.
- (5) *Appear before the City Council:* The City Administrator shall have the power to appear before and address the City Council at any meeting.
- (6) At no time shall the duties or powers of the City Administrator supersede the lawful action of the Mayor and/or City Council.

(Ord. No. 650, §§ 1—8; Code 1998; Ord. No. 931, § 6, 9-19-2016)

Sec. 1-316. Appointment or Employment in More Than One Position.

The same person may be appointed to more than one appointive office, or employed in more than one department, except that the same person shall not be appointed to incompatible offices. Salaries or wages of such persons shall be prorated between the proper funds of the several offices or departments.

(Code 1986)

Sec. 1-317. Conflict of Interest.

- (a) No City officer or employee shall be signatory upon, discuss in an official capacity, vote on any issue concerning or otherwise participate in ~~his or her~~their capacity as a public official or employee in the making of any contract with any person or business:
 - (1) In which the officer or employee owns a legal or equitable interest exceeding \$5,000.00 or five percent, whichever is less, individually or collectively with ~~his or her~~their spouse; or
 - (2) From which the officer or employee receives, in the current or immediately preceding or succeeding calendar year, any salary, gratuity, other compensation or a contract for or promise or expectation of any such salary, gratuity or other compensation or remuneration having a dollar value of \$1,000.00 or more; or
 - (3) In which ~~he or she~~they shall hold the position of officer or director, irrespective of the amount of compensation received from or ownership held in the business.
- (b) The prohibitions contained in subsection (a) of this section shall not apply to the following:
 - (1) Contracts let after competitive bidding has been solicited by published notice; and
 - (2) Contracts for property or services for which the price or rate is fixed by law.

(Code 1986)

State law reference(s)—K.S.A. 75-4301.

Sec. 1-318. Code of Ethics.

- (a) *Code of ethics for elective and appointive offices; declaration of policy.* The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for certain City officials is hereby established. The purpose of this

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(Supp. No. 15, Update 5)

code is to establish guidelines for ethical standards of conduct for such officials by setting forth those acts or actions that are incompatible with the best interests of the City and directing disclosure by such officials of private financial or other interests in matters affecting the City.

(b) *Definitions.*

- (1) Interest means direct or indirect pecuniary or material benefit accruing to a public officer as a result of a contract or transaction which is or may be the subject of any official act or action by or with the City, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

For the purposes of this code, a public officer shall be deemed to have an interest in the affairs of:

- A. Any person related to him/her by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity (determined by the civil law method), and a divorce or separation between spouses shall not be deemed to terminate any such relationship;
 - B. Any person or business entity with whom a contractual relationship exists with the public officer that would be positively or negatively impacted by that individual's relationship with the City;
 - C. Any business entity in which the public officer is an officer, director, or member having a financial interest in, or by which the public officer is employed;
 - D. Any business entity in which the stock of; or legal or beneficial ownership of, in excess of five percent of the total stock or total legal and beneficial ownership, is controlled or owned by the public officer.
- (2) *Official act or action* means any legislative, administrative, appointive or discretionary act of any officer of the City or any agency, board, committee or commission thereof.
- (3) *Business entity* means any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust, corporation, limited liability company, or similar business organization.
- (4) *Public officer* means any person, officer holding a position by public election or Governing Body appointment in the service of the City of Roeland Park, whether paid or unpaid, including members of any board, committee or commission thereof.
- (5) *Transaction* shall be defined as any activity that engages the authorization, approval, involvement in an official capacity of a public officer that did or could result in the expenditure of City funds.
- (6) *Ethics attorney* shall be defined as that individual who is licensed to practice law in the State of Kansas who does not currently serve the City that is selected by the Governing Body.

(c) *Standards of conduct.*

- (1) The requirements herein set forth shall constitute reasonable standards and guidelines for the ethical conduct of public officers of the City.
- (2) Interest in contract or transaction. No public officer having the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the City, shall:
- A. Have or hereafter acquire an interest in such contract or transaction;
 - B. Have an interest in any business entity representing, advising or appearing on behalf of any person involved in such contract or transaction, whether paid or unpaid;

- C. Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction;
 - D. Have solicited, accepted or granted a present or future gift, service or thing of value from or to a person involved in such contract or transaction.
- (3) *Exceptions.* The prohibition against gifts, services or things of value in subsection 1-318(c)(2)(D) shall not apply to:
- A. An occasional non-pecuniary gift, service or thing of value, insignificant in value (\$50.00 or less);
 - B. An award publicly presented in recognition of public services.
- (4) *Pre-acquisition of interest.* No public officer, with respect to any contract or transaction which is under consideration as an official act or action of the City, shall acquire an interest in or be affected by such contract or transaction at a time when the public officer believes or has reason to believe that it will directly or indirectly be affected by an official act or action of the City.
- (5) *Disclosure of information prohibited.* No public officer, with respect to any contract or transaction which is or is under consideration of an authorization, shall disclose information specifically intended to be confidential concerning the property, government or affairs of the City, or use such information to advance the financial interest of ~~himself, herself~~ themselves or others.
- (6) *Incompatible service.* No public officer shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of ~~his or her~~ their official duties or would tend to impair ~~his or her~~ their independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this Code.
- (7) *Appearances.* No public officer shall appear on behalf of any private person, other than ~~him~~ themselves, ~~herself, his or her~~ their spouse or minor children, before any City agency or the Municipal Court. However, a member of the Governing Body may appear before City agencies on behalf of ~~his or her~~ their constituents in the course of ~~his or her~~ their duties as a representative of the electorate or in the performance of public or civic obligations.
- (8) *Public contracts.* No public officer who in ~~his or her~~ their capacity as such officer participates in the making of a contract in which ~~he or she~~ they ~~has~~ have a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on ~~his or her~~ their part, shall enter into any contract with the City unless:
- A. The contract is awarded through a process of public notice and competitive bidding, or
 - B. The contract for property or services is one for which the price is fixed by law.
- (9) *Public property.* No public officer shall engage in, request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for the operation of a private business or for personal use.
- (10) *Later case interest.* No public officer shall, after the termination of service with the City, appear for pay before any board, commission, committee or agency of the City in relation to any case, proceeding or application in which ~~he or she~~ they personally participated during the period of ~~his or her~~ their service, or which was under ~~his or her~~ their active consideration. No elected official shall apply for or be considered for any employment with the City following ~~his or her~~ their departure from elected office for the length of ~~his or her~~ their tenure or four years, whichever is the longest.
- (11) *Use of computers by elected officials.* Any computer ("computer" being defined to include desktop as well as portable computers, computer functions such as internet access, electronic mail and broadband broadcast; computer databases; servers; hardware; and software) provided by the City for use by elected officials shall be restricted to use for official City business. No elected official shall use any such

computer for personal use or cause, permit or allow any other person to use or access any such computer for other than official City business. Use of any such computer for political purposes, including campaigns for City offices, shall be considered to be personal use. Unless approved by the Governing Body, use of any such computer for fund raising activities shall be considered to be personal use.

(d) *Exceptions to code of ethics.*

- (1) It shall not be deemed a violation of the standards of the code if the interest of a public officer in a person or business entity is a contractual obligation of less than \$500.00 which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under an obligation to make or incur.
- (2) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this code. A contract for a commercial retail sale, even though over the value of \$500.00, shall not be deemed to create an interest in violation of this code.
- (3) A public officer does not make or participate in the making of a contract or perform an official act or action related to a contract or transaction if the public officer abstains or recuses ~~himself or herself~~themselves from any official act or action in regard to the contract or transaction, and does not vote on such item.

(e) *Disclosure of interest in legislative action.*

- (1) Any member of the Governing Body who has a financial interest or personal interest in any proposed legislation before the Governing Body shall disclose on the record the nature and extent of such interest.
- (2) Any other public officer who has a financial or personal interest in any proposed legislative action of the Governing Body and who participates in discussion with or gives an official opinion or recommendation to the Governing Body, shall disclose on the record of the nature and extent of such interest.

(f) *Enforcement.* Any alleged violation by a public officer shall be brought to the attention of the Governing Body by a written complaint duly signed by a complaining party. The Governing Body shall consider the complaint, and/or direct that the City ~~Ethics~~ Attorney consider or investigate the complaint, and consideration shall be given to open meetings requirements and standards, including but not limited to those related to consultation with the City's attorneys and personnel matters of non-elected personnel. The Governing Body may take such action, or direct that such action be taken, as the Governing Body deems appropriate, including but not limited to those set forth in subsection 1-318(h) (violations; penalties) below.

(g) *Advisory opinions.*

- (1) When any public officer has a question as to the applicability of any provision of this code to a particular situation, or as to the definition of terms used herein, such public officer should bring the question to the attention of the City Administrator or the Mayor, as may be appropriate. If any such questions are not resolved through such channels, ~~he or she~~they may apply in writing to the Governing Body for a formal advisory opinion from the ~~Ethics~~ City Attorney. The officer shall have the opportunity to present ~~his or her~~their interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made. As appropriate, an opinion from the Kansas Governmental Ethics Commission may also be requested.
- (2) Such opinion until amended or revoked shall be binding on the City, the City Council, and the ~~Ethics~~ City Attorney in any subsequent actions concerning the public officer who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the

advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen. Any ethics opinion shall not be considered attorney-client privilege as between the [Ethics-City](#) Attorney and the public officer.

- (3) Whenever, at any meeting of the City Council, any person states or alleges that the participation of any member of the Governing Body with respect to any matter on the agenda for action by the Governing Body at that meeting would or may result in a violation of this code, the Governing Body member affected may request to have the matter tabled until the next regular meeting of the City Council in order to afford said Governing Body member an opportunity to obtain an advisory opinion from the [Ethics-City](#) Attorney.

(h) *Violations; penalties.*

- (1) Action, if any, for violation of this Code may include, but not be limited to, an informal reprimand, formal resolution of public censure, or forfeiture or ouster in accordance with the applicable statutes of the State of Kansas. In addition, in the case of employees, action may be based upon established employment policies of the City, including suspension or dismissal where appropriate.
- (2) In addition, any public officer who willfully and knowingly violates any of the provisions of subsections 1-318(c) (Standards of conduct) or 1-318(e) (Disclosure of interest in legislative action) of this Code may be deemed guilty of a public offense and the [Ethics-City](#) Attorney and/or the City Prosecutor, with the approval of the Governing Body, shall have the power to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where such action is appropriate. Any public officer so found guilty of violating any provision contained in such sections shall be punished in accordance with the penalties set forth in section 1-117 of the City Code. Public officers in violation of the provisions of this Code shall also be subject to submission to the Kansas Governmental Ethics Commission, the Attorney General of Kansas, or the Johnson County, Kansas, District Attorney for review, investigation, and appropriate action pursuant to state law.
- (3) In addition, where the violation by the public officer has resulted in financial harm to the City or financial profit or gain to the public officer, the City is authorized to seek damages in an amount not to exceed twice the financial harm suffered by the City or twice the profit or gain realized by the public officer, whichever is greater.
- (4) Violations of any provision of this Code may further constitute cause to cancel any contract, cease negotiations on any contract, and/or rescind or modify any previous action based upon any such violation.

- (i) *Distribution of code of ethics.* The City Clerk shall cause a copy of the Code of Ethics to be distributed to every public officer of the City within 30 days after enactment and amendment of the same. Each public officer elected or appointed thereafter shall be furnished a copy and file a signed version with the City before entering upon the duties of ~~his or her~~[their](#) office.

(Chart. Ord. No. 29, §§ 1, 2, 3-30-2015)

Editor's note(s)—Chart. Ord. No. 29, §§ 1, 2, adopted Mar. 30, 2015, repealed the former § 1-318, and enacted a § 1-318 as set out herein. The former § 1-318 pertained to similar subject matter and derived from Chart. Ord. No. 12, §§ 3—11.

Sec. 1-319. Personnel Rules and Regulations.

There is hereby incorporated by reference for the purpose of establishing employee personnel rules and regulations the document entitled "City of Roeland Park [Personnel Policy](#)[Employee Handbook](#)" A copy of said

document shall be marked "Official Copy as adopted by the Code of the City of Roeland Park." and shall be filed with the City Clerk and shall be open to inspection and available to the public at all reasonable business hours.

(Code 2014)

ARTICLE 4. OATHS AND BONDS

Sec. 1-401. Oath; Affirmation.

All officers and employees of the City, whether elected or appointed, either under the laws of the State of Kansas or ordinances of the City, shall before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:

Oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter name of office or position). ~~So help me God.~~"

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

(Code 2007)

State law reference(s)—K.S.A. 75-4308, 54-104, 54-106.

Sec. 1-402. Oaths Filed.

All officers and employees required to take and subscribe or sign an oath or affirmation shall be supplied the forms for the purpose at the expense of the City and upon taking and subscribing or signing any such oath or affirmation, the same shall be filed by the City Clerk.

(Code 1986)

Sec. 1-403. ~~Bonds Insurance~~ Required.

(a) ~~The following City officers shall each, before entering upon the duties of his or her office, give a good and sufficient surety company bond to the City. The bond shall be in the following amount:~~

~~(1) City Treasurer—\$10,000.00;~~

~~(2) City Clerk—\$10,000.00;~~

~~(3) City Administrator—\$10,000.00;~~

~~(4) Clerk of Municipal Court—\$1,000.00;~~

~~(5) Judge of Municipal Court—\$1,000.00;~~

~~(6) Chief of Police—\$1,000.00.~~

(b) The Governing Body ~~may shall~~ provide for the coverage by blanket ~~bond liability insurance~~ of ~~such officers all and employees and public officials and in such amounts as the Governing Body may, by resolution, designate. In an amount of at least Five Hundred Thousand Dollars (\$500,000.00) per occurrence.~~

(Code 1977, § 1-313; Code 1986)

Commented [JL4]: We provide coverage for our employees and electeds up to \$500k but we do not "buy bonds", it's just liability insurance.

Sec. 1-404. Same; Premiums.

All premiums on ~~surety bonds~~ liability insurance shall be paid by the City.

(Code 1986)

State law reference(s)—K.S.A. 78-111.

Sec. 1-405. Condition of Bonds.

~~Each of the bonds~~ The liability insurance required in section 1-403 of this article shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and the ordinances of the City, and for the application and payment over to the proper persons of all moneys or property coming into the hands of each such officer by virtue of ~~his or her~~ their office.

(Code 1986)

~~**Sec. 1-406. Approval of Bonds.**~~

~~All bonds given to the City shall be approved as to their form by the City Attorney and as to surety and sufficiency by the Governing Body, unless otherwise provided by the laws of the State of Kansas.~~

(Code 1986)

ARTICLE 6. OPEN RECORDS

Sec. 1-601. Policy.

- (a) It is hereby declared to be the policy of the City of Roeland Park that all public records which are made, maintained or kept by or are in the possession of the City, its officers and employees, shall be open for public inspection as provided by, and subject to the restrictions imposed by, the Kansas Open Records Act.
- (b) Any person, upon request, shall have access to such open public records for the purpose of inspecting, abstracting or copying such records while they are in the possession, custody and control of the appointed or designated record custodian thereof, or ~~his or her~~ their designated representative.

(Code 1986)

Sec. 1-602. Record Custodians.

- (a) All City officers and employees appointed or designated as record custodians under this article shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the City; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this City for inspecting and copying open public records.
- (b) The official custodian shall prominently display or distribute or otherwise make available to the public a brochure in the form prescribed by the Local Freedom of Information Officer that contains basic information about the rights of a requester, the responsibilities of a public agency, and the procedures for inspecting or obtaining a copy of public records under the Kansas Open Records Act. The official custodian shall display or

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distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the City where it is available to members of the public who request public information in person.

(Code 2003)

Sec. 1-603. Local Freedom of Information Officers.

The Local Freedom of Information Officer shall:

- (a) Prepare and provide educational materials and information concerning the Kansas Open Records Act;
- (b) Be available to assist the City and members of the general public to resolve disputes relating to the Kansas Open Records Act;
- (c) Respond to inquiries relating to the Kansas Open Records Act;
- (d) Establish the requirements for the content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise made available to the public under the Kansas Open Records Act. In establishing such requirements for the content of the brochure, the Local Freedom of Information Officer shall include plainly written basic information about the rights of a requester, the responsibilities of the City, and the procedures for inspecting and obtaining a copy of public records under the Act.

(Code 2003)

Sec. 1-604. Public Request for Access.

All City offices keeping and maintaining open public records shall establish office hours during which any person may make a request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public. For any City office not open Monday through Friday, hours shall be established by the record custodian for each such day at which time any person may request access to an open public record.

(Code 2003)

Sec. 1-605. Facilities for Public Inspection.

All City offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect and/or copy an open public record. The office of the City Clerk, being the principal record keeper of the City, shall be used as the principal office for providing access to and providing copies of open records to the maximum extent practicable. Requesters of records shall be referred to the office of the City Clerk except when the requested records are not in that office and are available in another City office.

(Code 2003)

Sec. 1-606. Procedures for Inspection.

Any person requesting access to an open public record for purposes of inspecting or copying such record, or obtaining a copy thereof, shall abide by the procedures adopted by the Governing Body for record inspection and copying, including those procedures established by record custodians as authorized by the Governing Body. Such procedures shall be posted in each City office keeping and maintaining open public records.

(Code 2003)

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Sec. 1-607. Appointment of Official Custodians.

The following City officers are hereby appointed as official custodians for purposes of the Kansas Open Records Act and are hereby charged with responsibility for compliance with that Act with respect to the hereinafter listed public records:

- (a) *City Clerk.* All public records kept and maintained ~~in-by~~ the City Clerk's office and all other public records not provided for elsewhere in this section.
- (b) *City Treasurer/Finance Director.* All public records not on file ~~in-with~~ the office of the City Clerk and kept and maintained ~~in-by~~ the City ~~Treasurer~~Finance Director's office.
- (c) *Chief of Police.* All public records not on file ~~in-with~~ the office of the City Clerk and kept and maintained ~~in-by~~ the City police department.
- (d) *City Attorney.* All public records not on file ~~in-with~~ the office of the City Clerk and kept and maintained ~~by-in~~ the City Attorney's office.
- (e) *Clerk of the Municipal Court.* All public records not on file ~~in-with~~ the office of the City Clerk and kept and maintained ~~in-by~~ the municipal court.

(Code 2003)

Sec. 1-608. Appointment of Local Freedom of Information Officer.

The City Clerk is hereby appointed as the local freedom of information officer and charged with all of the duties as set forth in section 1-603.

(Code 2003)

Sec. 1-609. Designation of Additional Record Custodians.

- (a) Each of the official custodians appointed in section 1-606 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.
- (b) Whenever an official custodian shall appoint another person as a record custodian ~~he or she~~they shall notify the City Clerk of such designation and the City Clerk shall maintain a register of all such designations.

(Code 2003)

Sec. 1-610. Requests to Be Directed to ~~Custodians~~the City Clerk.

- (a) All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their requests to the ~~custodian charged with responsibility for the maintenance of the record sought to be inspected or copied~~City Clerk who will forward the request to the appropriate record custodian.
- ~~(b) Whenever any City officer or employee appointed or designated as a custodian under this article is presented with a request for access to, or copy of, a public record which record the custodian does not have in his or her possession and for which he or she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be~~

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informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

(Code 2003)

ARTICLE 7. INVESTMENT OF PUBLIC FUNDS

Sec. 1-701. Purpose and Goals.

It is the purpose of this statement to set forth the public policies of the City relating to the investment of public moneys, and establish procedural requirements as to investment management practice. The objective of the investment policy and program of the City shall be as follows:

- (a) The safeguarding of all public moneys shall be of the highest priority. Public money shall not be invested or managed in any matter which would jeopardize the safety of the principal.
- (b) Consistent with the requirement of safety, the objective of the investment program shall be to aggressively manage and invest all public moneys to maximize net earnings, consistent with the public responsibility to secure maximum, safe investment return possible from moneys assigned to its stewardship, to relieve demands on the property tax and to otherwise reduce the cost of public services.

(Code 2007)

Sec. 1-702. Active Funds; Designation of Depositories; Eligible Depositories.

- (a) The Governing Body shall designate the banks, savings and loan associations and savings banks which shall serve as depositories of its funds. The Clerk, ~~Treasurer~~ Finance Director or other City officer or employee having the custody of City funds shall deposit such funds only at the designated banks, savings and loan associations and savings banks. Only banks, savings and loan associations and savings banks that have main or branch offices in Johnson County shall be designated as official depositories. No such bank, savings bank or savings and loan association shall be designated as a depository until the City is assured that it can obtain satisfactory security for its deposits.
- (b) The Clerk, ~~Treasurer~~ Finance Director or other City officer or employee depositing public funds shall deposit all such public funds coming into such person's possession in their name and official title as such officer. If the Governing Body fails to designate an official depository or depositories, the officer thereof having custody of City funds shall deposit such funds with one or more banks, savings and loan associations or savings banks which have main or branch offices in Johnson County if satisfactory security can be obtained therefore and if not then elsewhere. In such event, the officer or employee shall serve notice in writing on the Governing Body showing the names and locations of such banks, savings and loan associations and savings banks where such funds are deposited, and upon so doing the officer or employee having custody of such funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by the officer or employee.
- (c) If eligible banks, savings and loan associations or savings banks under subsections (a) or (b) cannot or will not provide an acceptable bid, which shall include services, for the depositing of public funds under this section, then banks, savings and loan associations or savings banks which have main or branch offices in any immediately adjoining county may receive deposits of the City's active funds, if such banks, savings and loan associations or savings banks have been designated as official depositories under subsection (a) and the City can obtain satisfactory security therefore.

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(Code 2007)

Sec. 1-703. Definitions.

As used in this article the following words and phrases shall mean:

- (a) *Bank* means any bank incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States and which has a main or branch office in Kansas;
- (b) *Savings and loan association* means any savings and loan association incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States and which has a main or branch office in Kansas;
- (c) *Savings bank* means any savings bank organized under the laws of the United States and which has a main or branch office in Kansas;
- (d) *Main office* means the place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch;
- (e) *Branch* means any office within this state, other than the main office, that is approved as a branch by a federal or state supervisory agency, at which deposits are received, checks paid or money lent. Branch does not include an automated teller machine, remote service unit or similar device or a loan production office;
- (f) *Investment rate* means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0—90 day rate shall be computed on the average effective federal funds rate as published by the federal reserve system for the previous week.

(Code 2007)

Sec. 1-704. Investment of Idle Funds.

- (a) Temporarily idle moneys of the City not currently needed, may in accordance with the procedure hereinafter described be invested:
 - (1) In temporary notes or no-fund warrants issued by the City;
 - (2) In savings deposits, time deposit, open accounts, certificates of deposit or time certificates of deposit with maturities of not more than two years:
 - A. In banks, savings and loan associations and savings banks, which have main or branch offices located in the City; or
 - B. If no main or branch office of a bank, savings and loan association or savings bank is located in the City, then in banks, savings and loan associations and savings banks, which have main or branch offices in Johnson County;
 - (3) In repurchase agreements with:
 - A. Banks, savings and loan associations and savings banks, which have main or branch offices located in the City, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or
 - B. (i) If no main or branch office of a bank, savings and loan association or savings bank is located in the City; or

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(ii) If no such bank, savings and loan association or savings bank having a main or branch office located in the City is willing to enter into such an agreement with the City at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in Johnson County; or

C. If no bank, savings and loan association or savings bank, having a main or branch office in Johnson County is willing to enter into such an agreement with the City at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks located within the State of Kansas;

(4) ~~In United States treasury bills or notes with maturities as the Governing Body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 2005 Supp. 17-12a401, and amendments thereto; In direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, not including mortgage-backed securities with maturities as the governing body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto;~~

(5) In the municipal investment pool fund established in K.S.A. 12-1677a, and amendments thereto;

(6) In the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b, and amendments thereto; or

(7) In multiple municipal client investment pools managed by the trust departments of banks which have main or branch offices located in Johnson County or with trust companies incorporated under the laws of Kansas which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks which have main or branch offices located in Johnson County. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto.

(8) Municipal bonds or other obligations issued by any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.

(b) The investments authorized in subsections (4), (5), (6), (7) or (8) of this section shall be utilized only if the banks, savings and loan associations and savings banks eligible for investments authorized in subsection (b), cannot or will not make the investments authorized in subsection (b) available to the City at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto.

- (c) In selecting a depository pursuant to subsection (b), if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the City and such financial institution will make such deposits available to the City at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and such financial institution otherwise qualifies for such deposit, the Governing Body shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the City shall select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in Johnson County which will make such deposits available to the City at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and which otherwise qualify for such deposits.
- (d) (1) All security purchases and repurchase agreements shall occur on a delivery versus payment basis.
- (2) All securities, including those acquired by repurchase agreements, shall be perfected in name of the City and shall be delivered to the purchaser or a third-party custodian which may be the State Treasurer.
- (e) Public moneys deposited pursuant to subsection (b)(2) of K.S.A. 12-1675, and amendments thereto, by the Governing Body, through a selected bank, savings and loan association or savings bank which is a part of a reciprocal deposit program in which the bank, savings and loan association or savings bank:
- (1) Receives reciprocal deposits from other participating institutions located in the United States in an amount equal to the amount of funds deposited by the City; and
- (2) For which the total cumulative amount of each deposit does not exceed the maximum deposit insurance amount for one depositor at one financial institution as determined by the federal deposit insurance corporation.

Such deposits shall not be treated as securities and need not be secured as provided in K.S.A. 12-1675, and amendments thereto, or any other act.

(Code 2014)

Sec. 1-705. Procedures and Restrictions.

The City ~~Clerk~~ [Finance Director](#) shall periodically report to the Governing Body as to the amount of money available for investment and the period of time such amounts will be available for investment, and shall submit such recommendations as deemed necessary for the efficient and safe management of City finances. The recommendations of the City ~~Finance Director~~ [Clerk](#) shall provide for an investment program which shall so limit the amounts invested and shall schedule the maturities of investments so that the City will, at all times, have sufficient moneys available on demand deposit to assure prompt payment of all City obligations. ~~and~~ (Code 2007)

Sec. 1-706. Custody and Safekeeping.

All securities will be perfected in the name of the City and held by the City or a third party custodian. A third party custodian will generally hold securities pledged as collateral by the City's financial institutions. The City is authorized to use the Federal Reserve Bank of Kansas City as a custodian, but may use other custodians as permitted by state law. Safekeeping records of pledged securities may be mailed, faxed or emailed to the City in order to accommodate timely and legal investment transactions.

~~Securities purchased pursuant to this article shall be under the care of the City Clerk and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officers in a safety deposit box of the City in a bank or trust company. Securities in the original or receipt form held in the custody of a bank or trust~~

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~~company shall be held in the name of the City, and their redemption, transfer, or withdrawal shall be permitted only upon the written instruction of the City officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officer in a safety deposit box in the name of the City in a bank or trust company, access to which shall be permitted only in the personal presence and under the signature of two of the abovementioned officers.~~

(Code 2007)

Sec. 1-707. Sale or Transfer.

If, in order to maintain sufficient moneys on demand deposit in any fund as provided in Section 5 [section 1-705], it becomes necessary to transfer or sell any securities of such funds, the officers specified in Section 6 [section 1-706] may transfer said securities to any other fund or funds in which there are temporarily idle moneys, or shall sell such securities, and for such purpose they shall have authority to make any necessary written direction, endorsement or assignment for and on behalf of the City.

(Code 2007)

~~Sec. 1-708. Interest on Time Deposits.~~

~~The City Clerk shall deposit the interest earned on invested idle funds to the general fund, unless otherwise required or authorized by law.~~

(Code 2007)

ARTICLE 8. PURCHASING PROCEDURE

Sec. 1-801. Purchasing Policy.

The Governing Body shall by resolution adopt a policy to provide internal guidelines and procedures to be followed in purchasing goods and services for the City. The procedures provided therein supercede all prior purchasing directions, memoranda and practices.

(Code 2014)

ARTICLE 9. PUBLIC BUILDING COMMISSION

Sec. 1-901. Creation of Public Building Commission.

Pursuant to the Act, there is hereby created a Public Building Commission to be known as the Public Building Commission of the City (the Public Building Commission), which shall be a municipal corporation and shall function as authorized by the Act, with the members set forth herein and under the bylaws of the Public Building Commission of the City.

(Ord. No. 593, § 1)

Sec. 1-902. Functions of the Public Building Commission.

The Public Building Commission shall have the power to do all things necessary or incidental to facilitate the purposes of constructing, acquiring or enlarging, furnishing, equipping, operating and maintaining buildings to be made available for use by governmental agencies. The Public Building Commission shall have all of the power and authority authorized by statute, and may negotiate a lease or leases for the use of public facilities proposed to be acquired or constructed with the City or with one or more additional public bodies. The Public Building Commission may issue its revenue bonds to provide funds for the purpose of acquiring, creating, repairing, maintaining and operating buildings and other facilities and to acquire sites necessary and convenient therefore and to pay all costs and expenses incident thereto, or to refund its outstanding revenue bonds as authorized by law. Such revenue bonds shall be payable from the rents and revenues to be derived from the operation, management or use of the buildings or other facilities acquired by the Public Building Commission and from any other lawfully available source. The Public Building Commission is authorized to establish and fix rates, rental, fees and charges for the use of any and all buildings or space therein or other facilities owned and operated by the Public Building Commission in amounts sufficient to pay the maintenance and operation costs of such buildings or facilities, the principal of and interest on the revenue bonds issued by such Public Building Commission as the same shall become due and payable, and to make all payments to any accounts created by any bond resolution. The Public Building Commission shall have the authority to rent all or any part of its buildings or other facilities to any federal, state or county governmental agency, or any municipal corporation, quasimunicipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service in the City and to rent any space that may not be needed by such governmental agencies for such service facilities as the Public Building Commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities. The Public Building Commission shall have the power to acquire the fee simple title to real property, including easements and reversionary interests in the streets, alleys and other public places, and any personal property required for its purposes by purchase, gift, devise or by the exercise of the power of eminent domain of the state and title thereto shall be taken in corporate name of the Public Building Commission.

(Ord. No. 593, § 2)

Sec. 1-903. Public Building Commission Members and Terms.

The members of the Public Building Commission shall be the nine members of the Governing Body of the City holding office at any given time.

Upon the departure from office of each Governing Body member, such Governing Body member's office as a member of the Public Building Commission shall terminate and such Governing Body member's successor shall be appointed as a member of the Public Building Commission for a term of office coinciding with such member's term as Governing Body member.

(Ord. No. 593, § 3)

ARTICLE 10. COMMUNITY ENGAGEMENT COMMITTEE¹

¹Editor's note(s)—Ord. No. 977, §§ 1—7, adopted Apr. 15, 2019, amended art. 10 in its entirety to read as herein set out. Former art. 10, §§ 1-1001—1-1007, pertained to the Community Events Committee, and derived from Ord. No. 711, §§ 1—7; Code 2013; and Ord. No. 711, §§ 1—7, Code 2013.

Sec. 1-1001. Purpose.

The purpose of the Community Engagement Committee is the help foster broad and inclusive participation of our residents and highlight City amenities. The Committee will serve as a liaison between the business community, residents and City government. The Committee will make recommendations to the City Council concerning opportunities to enhance engagement and report on outcomes from engagement efforts.

(Ord. No. 977, § 1, 4-15-2019)

Sec. 1-1002. Creation and Establishment.

There is hereby created and established a Community Engagement Committee for the City which shall consist of ~~up to~~ two members of the City Council, one primary and one alternate, and up to ~~eight~~ nine additional individuals, of which ~~at least six~~ a majority shall be residents of the City. All of the individuals shall be nominated by the Mayor and approved by the City Council. The terms of all members shall be for one year beginning January 1 of each year. In the event a vacancy should occur during the term of any member, ~~his or her~~ their successor shall be appointed in the same manner for the unexpired portion of the term. There shall be no limitation on the number of times an individual may be re-appointed. Any member of the Committee may be removed at any time by a majority vote of the City Council. Neither the Committee nor any individual member shall have any authority to financially obligate, commit or contract on behalf of the City.

(Ord. No. 977, § 2, 4-15-2019)

Sec. 1-1003. Compensation.

Members of the Community Engagement Committee shall serve without compensation.

(Ord. No. 977, § 3, 4-15-2019)

Sec. 1-1004. Duties and Responsibilities.

It shall be the responsibility of the Community Engagement Committee to plan, organize and carry out community engagement events as may from time to time be sponsored by the City and to support, as requested and able, events planned by other committees. Examples of activities the Committee would engage in are:

- Welcoming new residents and businesses to the City.
- Coordinating pop-up events to share information on a new initiative or upcoming project.
- Attending (setting up a table) at local businesses' events to show support, engage the public and share information about the City.
- Planning small scale events designed to raise awareness of City parks, art, and other amenities.
- Supporting events in partnership with local agencies, organizations, City departments, the business community, and other citizen committees.
- Assisting the City in distributing relevant information through informal communication channels as well as social media channels.

(Ord. No. 977, § 4, 4-15-2019)

Sec. 1-1005. Advisors.

The City Council may designate or employ, with or without compensation, such advisors to the Community Engagement Committee as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes of this article.

(Ord. No. 977, § 5, 4-15-2019)

Sec. 1-1006. Meetings, Rules and Regulations.

The Community Engagement Committee shall meet at such times and places as it shall agree upon or upon call by the City Council. ~~The Committee shall elect a chair and vice chair at its first meeting of each calendar year or co-chairs as determined by members of the committee.~~ ~~The Committee shall elect a chair and vice chair at its first meeting of each calendar year.~~ Any bylaws or other rules and regulations relating to its meetings and proceedings must be approved by the City Council. The Committee shall keep minutes of its meetings and provide a copy thereof to the City Clerk. A majority of the members appointed to the Community Engagement Committee shall constitute a quorum for the transaction of the business of the Committee.

(Ord. No. 977, § 6, 4-15-2019)

Sec. 1-1007. Code of Ethics.

The Code of Ethics for Elective and Appointive Offices, as adopted pursuant to Charter Ordinance No. 12, and any amendments thereto, shall apply to the appointed members of the Community Engagement Committee.

(Ord. No. 977, § 7, 4-15-2019)

ARTICLE 11. ARTS ADVISORY COMMITTEE

Sec. 1-1101. Purpose.

The purpose of the Arts Advisory Committee is to make recommendations to the City Council concerning the public display of art on City owned property.

(Ord. No. 710, § 1; Code 2003)

Sec. 1-1102. Creation and Establishment.

There is hereby created and established an Arts Advisory Committee for the City which shall consist ~~of not less than three persons, including one~~ two members of the City Council, one primary and one alternate, and up to nine additional individuals, of which a majority shall be residents of the City ~~and two additional individuals, of which at least one shall be a resident of the City.~~ All of the individuals shall be nominated by the Mayor and approved by the City Council. The terms of all members shall be for one year beginning January 1 of each year. In the event a vacancy should occur during the terms of any member, ~~his or her~~ their successor shall be appointed in the same manner for the unexpired portion of the term. The Art Advisory Committee may elect a vice chair or elect to have co-chairs. There shall be no limitation on the number of times an individual may be re-appointed. Any member of the Committee may be removed at any time by a majority vote of the City Council. Neither the

Committee nor any individual member shall have any authority to financially obligate, commit or contract on behalf of the City.

(Ord. No. 710, § 2; Code 2003; Ord. No. 1042, § 1, 2-6-2023)

Sec. 1-1103. Compensation.

Members of the Arts Advisory Committee shall serve without compensation; provided, however, that the Art Gallery Director shall receive a monthly ~~expense allowance~~ stipend to be set annually as part of budget adoption process.

(Ord No. 801, § 1; Ord. No. 1042, § 2, 2-6-2023)

Sec. 1-1104. Duties and Responsibilities.

- (a) It shall be the responsibility of the Arts Advisory Committee to make recommendations for and coordinate the public display of art on City-owned property.
- (b) It shall be the responsibility of the Art Gallery Director to perform the following duties:
 - (1) Find artists from a variety of backgrounds and cultures to exhibit their works in the Gallery.
 - (2) Plan or coordinate art receptions at the Gallery.
 - (3) Contact social media, publications, or other outlets regarding Gallery events.
 - (4) Produce, record, create, coordinate, or obtain video of current exhibitions for publicity and records purposes.
 - (5) Provide information about the Gallery and exhibitions to the City's newsletter and other City media platforms, including information about the artists, receptions, and other related events.

(Ord. No. 710, § 4; Code 2003; Ord. No. 1042, § 3, 2-6-2023)

Sec. 1-1105. Advisors.

The City Council may designate or employ, with or without compensation, such advisors to the Arts Advisory Committee as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes of this article.

(Ord. No. 710, § 5; Code 2003)

Sec. 1-1106. Meetings, Rules and Regulations.

The Arts Advisory Committee shall meet at such times and places as it shall agree upon or upon call by the City Council. ~~The Committee shall elect a chair and vice chair at its first meeting of each calendar year or co-chairs as determined by members of the committee~~ The Committee shall elect a chair and vice chair at its first meeting of each calendar year. Any bylaws or other rules and regulations relating to its meetings and proceedings must be approved by the City Council. The Committee shall keep minutes of its meetings and provide a copy thereof to the City Clerk. A majority of the members appointed to the Arts Advisory Committee shall constitute a quorum for the transaction of the business of the Committee.

(Ord. No. 710, § 6; Code 2003)

Sec. 1-1107. Code of Ethics.

The Code of Ethics for Elective and Appointive Offices, as adopted pursuant to Charter Ordinance No. 12, and any amendments thereto, shall apply to the appointed members of the Arts Advisory Committee.

(Ord. No. 710, § 7; Code 2003)

ARTICLE 12. YOUTH ADVISORY COMMITTEE

Sec. 1-1201. Purpose.

The purpose of the Youth Advisory Committee is to make recommendations to the Governing Body concerning issues relating to or affecting youth in Roeland Park.

(Ord. No. 754, § 1; Code 2007)

Sec. 1-1202. Creation and Establishment.

There is hereby created and established a Youth Advisory Committee for the City which shall consist of the following members: one member of the City Council; and up to eighteen additional individuals, all of whom must be between the age of 13 and 19 and be a resident of Roeland Park. All of the individuals shall be nominated by the Mayor and approved by the City Council. The terms of all members shall be for one year beginning January 1st of each year. In the event a vacancy should occur during the term of any member, his or her their successor shall be appointed in the same manner for the unexpired portion of the term. There is no limitation on the number of times an individual may be re-appointed. Any member of the Committee may be removed at any time by a majority vote of the Governing Body. Neither the Committee nor any individual member shall have any authority to financially obligate, commit or contract on behalf of the City. ;hn0; (Ord. No. 754, § 2; Code 2007)

Sec. 1-1203. Compensation.

Members of the Committee shall serve without compensation.

(Ord. No. 754, § 3; Code 2007)

Sec. 1-1204. Duties and Responsibilities.

It shall be the responsibility of the Committee to review current uses and practices as they relate to City youth, and to make recommendations regarding same. When requested by the City Council, the Committee shall consider, investigate, make findings and report upon any matter related to the youth of the City.

(Ord. No. 754, § 4; Code 2007)

Sec. 1-1205. Advisors.

The City Council may designate or employ, with or without compensation, such advisors to the Youth Advisory Committee as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes of this article.

(Ord. No. 754, § 5; Code 2007)

~~Sec. 1-1206. Meetings, Rules and Regulations.~~

~~The Youth Advisory Committee shall meet at such times and places as it shall agree upon or upon call by the City Council. The Committee shall elect a chair and vice chair at its first meeting of each calendar year. Any bylaws or other rules and regulations relating to its meetings and proceedings must be approved by the Governing Body. The Committee shall keep minutes of its meetings and provide a copy thereof to the City Clerk. A majority of the members appointed to the Youth Advisory Committee shall constitute a quorum for the transaction of the business of the Committee.~~

~~(Ord. No. 754, Sec. 6; Code 2007)~~

~~Sec. 1-1207. Code of Ethics.~~

~~The Code of Ethics for Elective and Appointive Offices, as adopted pursuant to Charter Ordinance No. 12, and any amendments thereto, shall apply to the appointed members of the Youth Advisory Committee.~~

~~(Ord. No. 754, § 7; Code 2007)~~

ARTICLE 13. SUSTAINABILITY COMMITTEE

Sec. 1-1301. Purpose.

The purpose of the Sustainability Committee is to make recommendations to the Governing Body concerning issues relating to or affecting environmental sustainability.

(Ord. No. 814, § 2)

Sec. 1-1302. Creation and Establishment.

There is hereby created and established a Sustainability Committee for the City which shall consist of ~~no less than five members, of which at least four shall be residents of the City~~ two members of the City Council, one primary and one alternate, and up to nine additional individuals, of which a majority shall be residents of the City, and at least one shall be a member of the City Council. All of the individuals shall be nominated by the Mayor and approved by the City Council. The terms of all members shall be for one year beginning January 1st of each year. In the event a vacancy should occur during the term of any member, ~~his or her~~ their successor shall be appointed in the same manner for the unexpired portion of the term. There shall be no limitation on the number of times an individual may be re-appointed. Any member of the Committee may be removed at any time by a majority vote of the Governing Body. Neither the Committee nor any individual member shall have any authority to financially obligate, commit or contract on behalf of the City.

(Ord. No. 861, § 1)

Sec. 1-1303. Compensation.

Members of the Committee shall serve without compensation.

(Ord. No. 814, § 4)

Sec. 1-1304. Duties and Responsibilities.

It shall be the responsibility of the Committee to review current uses and practices as they relate to environmental sustainability, including a review of the City's own practices and procedures, and to make recommendations to the Governing Body relating to policies, guidelines or programs, including but not limited to, maintaining and enhancing air quality, reducing waste disposal and need for landfills, increasing awareness of the need to conserve natural resources and ~~generally~~ educating the public on the disproportionate impacts of climate change and on methods to protect the environment generally.

(Ord. No. 814, § 5)

Sec. 1-1305. Advisors.

The City Council may designate or employ, with or without compensation, such advisors to the Sustainability Committee as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes of this article.

(Ord. No. 814, § 6)

Sec. 1-1306. Meetings, Rules and Regulations.

The Sustainability Committee ~~shall elect a chair and vice chair at its first meeting of each calendar year or co-chairs as determined by members of the committee~~ shall elect a chairperson and a vice chairperson at its first meeting of each calendar year. The Committee shall meet at such times and places deemed appropriate upon the call of the chairperson, the vice chairperson or by any three members of the Committee. Any bylaws or other rules and regulations relating to the Committee's meetings and proceedings must be approved by the City Council. The Committee shall keep minutes of its meetings and shall provide a copy thereof to the City Clerk. A majority of the members appointed to the Committee shall constitute a quorum for the transaction of the business of the Committee.

(Ord. No. 814, § 7)

Sec. 1-1307. Code of Ethics.

The Code of Ethics for Elective and Appointive Offices, as adopted pursuant to Charter Ordinance No. 12, and any amendments thereto, shall apply to the appointed members of the Sustainability Committee.

(Ord. No. 814, § 8)

ARTICLE 14. AD HOC COMMITTEES

Sec. 1-1401. Purpose.

Ad hoc committees shall be project- or subject-based. The duration of the committee shall be 12 months or until completion of the project or study of the subject.

(Ord. No. 930, § 2, 6-20-2016)

Sec. 1-1402. Creation and Establishment.

Ad hoc committees shall be established by the Governing Body, with the approval of a majority vote at a City Council meeting. Ad hoc committees shall consist of up to four members of the Governing Body. If five or more of the Governing Body want to be on an ad hoc Committee, then the subject will be returned to a Governing Body workshop. In addition, City residents, Roeland Park business owners and members of the City Staff may be included on the committee; provided that non-Governing Body members shall not exceed two-thirds of the total committee membership. City residents and Roeland Park business owners desiring to become a member of an ad hoc committee must submit a volunteer application and shall be appointed by the Mayor and approved by a majority vote at a City Council meeting.

(Ord. No. 930, § 3, 6-20-2016)

Sec. 1-1403. Compensation.

Members of ad hoc committees shall serve without compensation.

(Ord. No. 930, § 4, 6-20-2016)

Sec. 1-1404. Duties and Responsibilities.

It shall be the duty of an ad hoc committee to review current uses and practices as they relate to the project or subject for which the committee was established. The committee shall report to the Governing Body from time to time. The committee may make recommendations to the Governing Body concerning policies in connection with the project or subject for which the committee was established, which may include actionable items for approval by the Governing Body at a City Council meeting. As deemed appropriate by the Governing Body, City Staff will support committee activities, either directly (as members of the committee) or indirectly.

(Ord. No. 930, § 5, 6-20-2016)

Sec. 1-1405. Advisors.

The City Council may designate or employ, with or without compensation, such advisors to an ad hoc committee as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes for which the committee was established.

(Ord. No. 930, § 6, 6-20-2016)

Sec. 1-1406. Meetings, Rules and Regulations.

The committee shall elect a Chair at its first meeting who shall preside over meetings and report to the City Council. The committee may elect a Vice Chair who shall assume the duties of Chair when the Chair is not available. The committee shall elect a Secretary to take minutes. The committee may adopt such rules and regulations as deemed necessary. Meetings of the committee shall be subject to the requirements of the Kansas Open Meetings Act.

(Ord. No. 930, § 7, 6-20-2016)

Sec. 1-1407. Code of Ethics.

The Code of Ethics for Elective and Appointed Offices, as adopted pursuant to Charter Ordinance No. 29, and any amendments thereto, shall apply to the members of any ad hoc committee.

(Ord. No. 930, § 8, 6-20-2016)

ARTICLE 15. TASK GROUPS**Sec. 1-1501. Purpose.**

Task Groups shall be task- or topic-based. The duration of the task group shall be as long as needed to complete the work.

(Ord. No. 930, § 9, 6-20-2016)

Sec. 1-1502. Creation and Establishment.

Task groups shall be established by the Governing Body, with the approval of the consensus of a majority of the Governing Body members present at a workshop meeting. Task groups shall consist of up to four members of the Governing Body.

(Ord. No. 930, § 10, 6-20-2016)

Sec. 1-1503. Compensation.

Members of task groups shall serve without compensation.

(Ord. No. 930, § 11, 6-20-2016)

Sec. 1-1504. Duties and Responsibilities.

It shall be the duty of a task group to review current uses and practices as they relate to the task or topic for which the task group was established. The task group shall report its findings to the Governing Body at a City Council or Workshop meeting upon the conclusion of its research. As deemed appropriate by the Governing Body, a task group may rely upon City Staff for information or resources.

(Ord. No. 930, § 12, 6-20-2016)

Sec. 1-1505. Advisors.

The City Council may designate or employ, with or without compensation, such advisors to a task group as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes for which the task group was established.

(Ord. No. 930, § 13, 6-20-2016)

Sec. 1-1506. Meetings.

Meetings of task groups shall be informal and no officers shall be established for task groups. No minutes of task group meetings shall be required. Meetings of the task group shall be subject to the requirements of the Kansas Open Meetings Act.

(Ord. No. 930, § 14, 6-20-2016)

Sec. 1-1507. Code of Ethics.

The Code of Ethics for Elective and Appointed Offices, as adopted pursuant to Charter Ordinance No. 29, and any amendments thereto, shall apply to the members of any task group.

(Ord. No. 930, § 15, 6-20-2016)

ARTICLE 16. REMOTE PARTICIPATION FOR CITY COUNCIL MEETINGS AND WORKSHOPS

Sec. 1-1601. Purpose.

The purpose of this article is to establish reasonable guidelines for governing body members to remotely attend and participate in official business of the governing body when the member is unable to be physically present at a meeting. There is a strong preference for in-person participation at governing body meetings.

(Ord. No. 962, § 1, 12-18-2017; Ord. No. 1047, § 1, 8-7-2023)

Sec. 1-1602. Definition.

Remote participation is defined as participation of a governing body member who is not physically present.

(Ord. No. 962, § 1, 12-18-2017; Ord. No. 1047, § 1, 8-7-2023)

Sec. 1-1603. Scope and Application.

This policy shall apply to all city council meetings and workshops, of the City of Roeland Park, Kansas.

(Ord. No. 962, § 1, 12-18-2017; Ord. No. 1047, § 1, 8-7-2023)

Sec. 1-1604. Policy.

- (a) To be eligible for remote participation, a member of the governing body shall notify the mayor or council president no later than noon Central Standard Time the day the meeting is to be held.
- (b) Remote participation is intended for use when members of the governing body are ill, injured, suffering from disability, performing military service, undergoing personal emergencies, or are unable to attend due to geographic (outside Kansas City Metro area) distance.

-
- (c) It is incumbent upon the member utilizing remote participation that ~~he or she~~they can participate fully and does not unduly burden the physically present members of the governing body due to technological issues or telecommunication problems.
 - (d) Any member of the governing body participating remotely shall ensure ~~his or her~~their camera is turned "on" for the duration of the meeting.
 - (e) A member of the governing body cannot utilize remote participation for chairing a council meeting or governing body workshop.
 - (f) Once a member of the governing body has used remote participation six times in a calendar year, any further requests to participate will be considered by the mayor on a case-by-case basis.
 - (g) City staff shall make reasonable efforts to provide any remote participating member of the governing body with any documents that are needed for full-participation in the meeting.

(Ord. No. 962, § 1, 12-18-2017; Ord. No. 1047, § 1, 8-7-2023)

Sec. 1-1605. Procedures.

- (a) City staff shall, upon notification by a member of the governing body for the use of remote participation that abides by the above prescribed rules, make all reasonable and needed technological and other accommodations necessitated by the request.
- (b) This policy prescribes no specific required technology such as a speaker phone or video that must be used. However, the strong preference is for video technology that allows the public to observe the public body member's participation. The technology must function properly so that all members may hear the remote participants and the remote participants may hear all the other members.
- (c) The clerk will record the presence of any member using remote participation with a note stating the same. The clerk shall also record the entrance, exit, or re-entrance of any governing body member utilizing remote participation.
- (d) Initial technical difficulties shall be dealt with by a suspension of discussion in an attempt to remedy the problem. The body's chair shall have the authority to discontinue the use of remote participation due to technical issues.
- (e) In general, delays collectively lasting longer than ten minutes will result in the discontinuation of remote participation and the termination of any remote connection, at the discretion of the Mayor or the Council President in the Mayor's absence.
- (f) The remote participant will verify ~~his or her~~their identity at the beginning of the meeting and state that ~~he or she~~they are fully participating without any undue influence by others.

(Ord. No. 962, § 1, 12-18-2017; Ord. No. 1047, § 1, 8-7-2023)

ARTICLE 17. RESERVED²

²Editor's note(s)—Ord. No. 977, §§ 1—7, adopted Apr. 15, 2019, amended Art. 10 in its entirety, redesignating Art. 17, §§ 1-1701—1-1707 as §§ 1-1001—1-1007. Previously Art. 17 pertained to the Community Engagement Committee.

Secs. 1-1701—1-1707. Reserved

ARTICLE 18. AQUATIC CENTER ADVISORY COMMITTEE³

Sec. 1-1801. Purpose.

The purpose of the Aquatic Center Advisory Committee is to review and provide feedback on pool operations, programs, facility conditions and events at the City pool.

(Ord. No. 980, § 1, 5-20-2019)

Sec. 1-1802. Creation and Establishment.

There is hereby created and established an Aquatic Center Advisory Committee for the City which shall consist of two members of the City Council, ~~a primary and an alternate, and up to nine additional individuals, of which a majority shall be residents of the City and up to eight additional individuals, of which at least six shall be residents of the City.~~ If the aquatic center is managed through contract, an ex-officio non-voting seat on the Committee shall be extended to a representative of the management company/organization. All of the individuals shall be nominated by the Mayor and approved by the City Council. The terms of all members shall be for one year beginning January 1st of each year. In the event a vacancy should occur during the term of any member, ~~his or her~~ their successor shall be appointed in the same manner for the unexpired portion of the term. There shall be no limitation on the number of times an individual may be re-appointed. Any member of the Committee may be removed at any time by a majority vote of the City Council. Neither the Committee nor any individual member shall have any authority to financially obligate, commit or contract on behalf of the City.

(Ord. No. 980, § 1, 5-20-2019)

Sec. 1-1803. Compensation.

Members of the Aquatic Center Advisory Committee shall serve without compensation.

(Ord. No. 980, § 1, 5-20-2019)

Sec. 1-1804. Duties and Responsibilities.

It shall be the responsibility of the Aquatic Center Advisory Committee to provide recommendations to the governing body concerning rules, programs, operations, marketing, and maintenance of City pools and to serve as the sounding board for City staff concerning issues of pool policy and service quality.

(Ord. No. 980, § 1, 5-20-2019)

³Editor's note(s)—Ord. No. 980, § 1, adopted May 20, 2019, set out provisions intended for use as Art. 17, § 1-1701—1-1707. Inasmuch as there are already provisions designated as such, the provisions have been included as Art. 18, §§ 1-1801—1-1807.

Sec. 1-1805. Advisors.

The City Council may designate or employ, with or without compensation, such advisors to the Aquatic Center Advisory Committee as the City Council shall hereafter determine to be necessary and advisable to accomplish the purposes of this article.

(Ord. No. 980, § 1, 5-20-2019)

Sec. 1-1806. Meetings, Rules and Regulations.

The Aquatics Center Advisory Committee shall meet at such times and places as it shall agree upon or upon call by the City Council. ~~The Committee shall elect a chair and vice chair at its first meeting of each calendar year or co-chairs as determined by members of the committee. The Committee shall elect a chair and vice chair at its first meeting of each calendar year.~~ Any bylaws or other rules and regulations relating to its meetings and proceedings must be approved by the City Council. The Committee shall keep minutes of its meetings and provide a copy thereof to the City Clerk. A majority of the members appointed to the Aquatic Center Advisory Committee shall constitute a quorum for the transaction of the business of the Committee.

(Ord. No. 980, § 1, 5-20-2019)

Sec. 1-1807. Code of Ethics.

The Code of Ethics for Elective and Appointive Offices, as adopted pursuant to Charter Ordinance No. 12, and any amendments thereto, shall apply to the appointed members of the Aquatic Center Advisory Committee.

(Ord. No. 980, § 1, 5-20-2019)

ARTICLE 19. EMERGENCY PREPAREDNESS

Sec. 1-1901. Definitions.

For the purpose of this article, certain terms or words used herein shall be interpreted or defined as follows in this article:

Disaster. The occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including, but not limited to, fire, flood, earthquake, wind, storm, epidemics, air contamination, blight, drought, infestation, explosion or riot.

(Ord. No. 993, § 1, 3-20-2020)

Sec. 1-1902. Emergency Proclamation; Action.

Whenever, in the judgment of the mayor or in the event of ~~his or her~~their inability to act, the president of the council determines that an emergency exists as a result of a public or natural disaster, or other civil disobedience causing danger of injury or damages to persons or property, ~~he or she~~they shall have power to impose by proclamation any or all of the following regulations necessary to preserve the health, safety, peace and order of the City:

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- (a) To impose a curfew upon all or any portion of the City requiring all persons in such designated curfew areas to remove themselves from the public streets, alleys, parks or other public places or buildings; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters and City authorized or requested law enforcement officers and personnel may be exempted from such curfew;
 - (b) To order the closing of any public buildings and business establishments anywhere within the City for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms;
 - (c) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic;
 - (d) To call upon regular and auxiliary law enforcement agencies and organizations within or without the City to assist in preserving and keeping the peace within the City.

(Ord. No. 993, § 2, 3-20-2020)

Sec. 1-1903. Emergency Proclamation; Effective When.

The proclamation of emergency provided in this article shall become effective upon its issuance and dissemination to the public by appropriate news media.

(Ord. No. 993, § 3, 3-20-2020)

Sec. 1-1904. Emergency Proclamation; Termination.

Any emergency proclaimed in accordance with the provisions of this article shall terminate after seven days from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the governing body.

(Ord. No. 993, § 4, 3-20-2020)

Sec. 1-1905. Emergency Proclamation; Violation, Penalty.

Any person who willfully fails or refuses to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized in this article is guilty of a misdemeanor, and upon conviction therefore, shall be punished by a fine of not more than \$500.00 or by imprisonment in jail for a period of not to exceed six months, or by both such fine and imprisonment.

(Ord. No. 993, § 5, 3-20-2020)

Sec. 1-1906. Adopting Johnson County Emergency Operations Plan.

The City of Roeland Park, Kansas hereby adopts the Johnson County Emergency Operations Plan as the Emergency Operation Plan of the City of Roeland Park Kansas.

(Ord. No. 993, § 6, 3-20-2020)

Sec. 1-1907. Adopting National Incident Management System.

The City of Roeland Park, Kansas hereby additionally adopts the National Incident Management System to the extent it is not inconsistent with the Johnson County Emergency Operations Plan.

(Ord. No. 993, § 7, 3-20-2020)

ARTICLE 20. RACIAL DIVERSITY, EQUITY & INCLUSION COMMITTEE

Sec. 1-2001. Purpose.

The purpose of the Diversity, Equity & Inclusion Committee is to identify ways the City can better achieve racial and social equality equity within Roeland Park and to make recommendations to the City Council concerning the Diversity, Equity & Inclusion Committee's findings.

(Ord. No. 1010, § 1, 3-15-2021; Ord. No. 1045, § 1, 6-5-2023)

Sec. 1-2002. Creation and Establishment.

There is hereby created and established a Diversity, Equity & Inclusion Committee for the City which shall consist of not less than three persons, including one two members of the Governing Body, one primary and one alternate, and two up to nine additional individuals, of which at least two a majority shall be residents of the City. All of the individuals shall be nominated by the Mayor and approved by the City Council. The terms of all members shall be for one year beginning January 1 of each year. In the event a vacancy should occur during the term of any member, his or her their successor shall be appointed in the same manner for the unexpired portion of the term. There shall be no limitation on the number of times an individual may be re-appointed. Any member of the Committee may be removed at any time by a majority vote of the City Council. Neither the Committee nor any individual member shall have any authority to financially obligate, commit, or contract on behalf of the City.

(Ord. No. 1010, § 1, 3-15-2021; Ord. No. 1045, § 2, 6-5-2023)

Sec. 1-2003. Compensation.

Members of the Diversity, Equity & Inclusion Committee shall serve without compensation.

(Ord. No. 1010, § 1, 3-15-2021; Ord. No. 1045, § 3, 6-5-2023)

Sec. 1-2004. Duties and Responsibilities.

It shall be the responsibility of the Diversity, Equity & Inclusion Committee to identify ways the City can better achieve racial and social equality equity within Roeland Park, and to make recommendations to the City Council concerning the Committee's findings.

(Ord. No. 1010, § 1, 3-15-2021; Ord. No. 1045, § 4, 6-5-2023)

Sec. 1-2005. Advisors.

The City Council may designate or employ, with or without compensation, such advisors to the Diversity, Equity & Inclusion Committee as the City Council shall hereafter determine to be necessary and advisable to accomplish the purpose of this article.

(Ord. No. 1010, § 1, 3-15-2021; Ord. No. 1045, § 5, 6-5-2023)

Sec. 1-2006. Meetings, Rules and Regulations.

The Diversity, Equity & Inclusion Committee shall meet at such times and places as it shall agree upon or upon a call by the City Council. The Committee shall elect a chair and vice chair, [or co-chairs as determined by members of the committee](#), at its first meeting of each calendar year. Any bylaws or other rules and regulations relating to its meetings and proceedings must be approved by the City Council. The Committee shall keep minutes of its meetings and provide a copy thereof to the City Clerk. A majority of the members appointed to the Diversity, Equity & Inclusion Committee shall constitute a quorum for the transaction of the business of the Committee.

(Ord. No. 1010, § 1, 3-15-2021; Ord. No. 1045, § 6, 6-5-2023)

Sec. 1-2007. Code of Ethics.

The Code of Ethics for Elective and Appointive Offices, as adopted pursuant to Chapter Ordinance No. 12, and any amendments thereto, shall apply to the appointed members of the Diversity, Equity & Inclusion Committee.

(Ord. No. 1010, § 1, 3-15-2021; Ord. No. 1045, § 7, 6-5-2023)

Item Number: DISCUSSION ITEMS- II.-2.
Committee 3/4/2024
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 3/4/2024
Submitted By: Michael Poppa, Mayor
Committee/Department: Admin
Title: Discuss Elections for Appointed Governing Body Members
Item Type: Discussion

Recommendation:

To review the attached recommended changes to Charter Ord. 38 which extends the terms of appointed Mayor or Councilmember to the next regularly scheduled City election, instead of the next general election.

Details:

Some of the pros of changing the policy to extend the term of an appointed official:

- The City does not have to pay for a special election.
- This helps keep City elections nonpartisan

What are the racial equity implications of the objective?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Charter Ordinance Redlined Changes	Exhibit

CHARTER ORDINANCE NO. 38

A CHARTER ORDINANCE AMENDING THE PROCEDURE TO FILL A VACANT GOVERNING BODY SEAT.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act"), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of Roeland Park, Kansas (the "City") is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-104a(c) states that a vacancy in the City's governing body is to be filled by a special election; and

WHEREAS, K.S.A. 12-104a(d) allows for the City to enact a different procedure for filling governing body vacancies other than by special election; and

WHEREAS, the governing body of the City (the "Governing Body") desires, by Charter Ordinance, to amend Charter Ordinance 32, Sections 6, and 7.

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

SECTION 1. Existing Section 6 of Charter Ordinance No. 32 is hereby amended to read as follows:

6. In the event that a vacancy in the office of Councilmember should occur by reason of resignation, with or without acceptance by the Mayor, death, removal from office for cause, promotion to Mayor pursuant to Section 6-101(f) or change of residency to outside the ward from which said Councilmember was elected, the vacancy shall be filled in the following manner: At the next regular City Council meeting, the vacancy shall be filled by appointment of the Mayor, after an application process, with the advice and consent of a majority of the remaining members of the City Council. The Councilmember appointment shall be effective until the next regular city general election, as defined in K.S.A. § 25-210225-2107. Any appointment made after 12:00 P.M. on June 1 of any given year in which a regular city general election occurs will serve until the next regular city general election occurring in the-a following year.

SECTION 2. Existing Section 7 of Charter Ordinance No. 32 is hereby amended to read as follows:

7. In the event that a vacancy in the office of the Mayor should occur because of death, resignation, removal from office for cause, or change of residency to outside the limits of the City, then, the Council shall appoint, by a majority of those Councilmembers present, a new mayor from those Councilmembers serving at the time of the vacancy. In the case where there is a tie among two (2) Councilmembers, a coin flip shall determine the winner. A Mayoral vacancy shall be filled within thirty (30) days of the date the vacancy becomes effective. The vacancy in the Council created by the Council appointing a new Mayor will be filled in accordance with Section 6 of Charter Ordinance No. 38. The Mayoral appointment shall be effective until the next regular city general election, as defined in K.S.A. § 25-210225-2107. Any appointment made after 12:00 P.M. on June 1 of any given year in which a regular city general election occurs will serve until the next regular general election occurring in the-a following year.

SECTION 3. Chapter 6, Article 1, Section 6-101(e) and Section 6-101(f) of the Roeland Park Municipal Code are hereby amended to read as follows in Section 1 and Section 2 of this Charter Ordinance, respectively.

SECTION 4. This Charter Ordinance shall take effect after its publication in the official City newspaper, and shall have an effective date of December 18th, 2022.

APPENDIX A - CHARTER ORDINANCES
CHARTER ORDINANCE NO. 38

PASSED by the Governing Body, not less than two-thirds of the elected members voting in favor thereof, this 3rd day of October, 2022.

(Chart. Ord. No. 38, §§ 1, 2, adopted 10-3-2022)