

CHAPTER 1. ADMINISTRATION

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ARTICLE 1. GOVERNING BODY

- 1-101 GOVERNING BODY DEFINED. The term “governing body” as used in this code shall be defined to include the mayor and members of the council of the City of Washington, Kansas.
- 1-102 REGULAR MEETINGS. The regular meeting date of the Governing Body of the City of Washington, Kansas, shall be on the 1st Monday of each month at 6:30 pm at the City Hall in the City of Washington, Kansas, or at such other place as may be designated by the City Council at a prior regular meeting; PROVIDED, when the first Monday of the month falls on a Monday celebrated as a holiday by the City of Washington, Kansas, the meeting shall be held on the first Tuesday after the first Monday in such month at 6:30 pm. (Ord. 741 sec. 1)
- 1-103 COMPENSATIONS. It is hereby provided that the mayor shall have as compensation for services rendered a salary of \$360.00 per year, and each other member of the governing body of the city shall have as compensation for services rendered to the city as council member a salary of \$300.00 per year, and the salary of such city officers is hereby fixed at such sum. (Ord. 678 sec. 2)
- 1-104 POWERS GENERALLY. All powers conferred upon cities of the third class by the laws of the State of Kansas shall be exercised by the governing body, subject to such limitation as may be prescribed by law. All executive and administrative authority granted or limited by law shall be vested in the mayor and council of the city as the governing body for the city.
- 1-105 ORDINANCE POWERS. The governing body shall have the care, management and control of the city and its finances and shall have power to enact, ordain, alter, modify or repeal any and all ordinances not repugnant to the constitution and laws of the State of Kansas and such as it shall deem expedient for the good government of the city, the preservation of peace and good order, the suppression of vice and immorality, the benefit of trade and commerce, the health of inhabitants thereof and such other ordinances, rules and regulations as may be necessary to carry such power into effect.
- 1-106 SPECIAL MEETING; CALLING; MINUTES. Special meetings of the governing body may be called by the mayor (or acting mayor in the absence of the mayor from the city) on the written request of any three (3) members of the governing body, specifying the object and purpose of such meeting, which request shall be read at the meeting and entered at length on the journal by the city clerk. The call of the mayor for any such special meeting shall be endorsed upon the written request and shall specify the time and place of such meeting, and shall be filed with the city clerk. Thereupon, the city clerk shall give notice of such meeting to each member of the governing body. (K.S.A. 15-106.)

- 1-107 ADJOURNED MEETING: TIME AND PLACE. Any regular or special meeting of the governing body may be adjourned for the completion of its business at such subsequent time and place as the governing body may determine in the motion to adjourn.
- 1-108 QUORUM; ATTENDANCE OF MEMBERS. At all meetings of the governing body, a majority of the council members elect shall constitute a quorum to do business, but any less number may adjourn from day to day and compel the attendance of absent members of the governing body. (K.S.A. 15-1.06.)
- 1-109 PRESIDING OFFICER, MAYOR. The mayor shall preside at all meetings of the governing body, and shall have a casting vote when the governing body is equally divided upon any question, except upon the passage of ordinances. (K.S.A. 15-301.)
- 1-110 PRESIDENT OF COUNCIL; ACTING PRESIDENT. In the absence of the mayor, the president of the council shall preside at meetings of the governing body. In the absence of the mayor and president, the council shall elect one (1) of its members to preside who shall be styled "acting president of the council". The president of the council and acting president, when occupying the place of the mayor as presiding officer, shall have the same privileges as other members of the governing body. (K.S.A. 15-310.)
- 1-111 PRESIDENT OF COUNCIL; ELECTION; DUTIES. The governing body shall, at its regular meeting following any city election, elect one (1) of its members as "president of the council." When any vacancy shall happen in the office of mayor, the president of the council for the time being shall exercise the office of mayor, and all the rights, privileges and jurisdiction of the mayor, until such vacancy be filled at the next city election or until such disability be removed, or in the case of temporary absence, until the mayor shall return. (K.S.A. 15-310; 311.)
- 1-112 ADMINISTRATIVE POWERS: COMMITTEES; MAYOR. It shall be the duty of each committee to act promptly and faithfully in all matters referred to it and to make a report thereof at the next meeting of the governing body. The governing body may designate whether the administration of a policy or the carrying out of any order of the governing body shall be performed by a committee, and appointive officer of the city or the mayor. If no administrative authority is designated by ordinance or other action of the governing body, the authority shall be exercised by the mayor as provided by law. (K.S.A. 15-310; 302, 305:306, 308.)
- 1-113 ORDINANCE: CONSIDERATION; AMENDMENT; PASSAGE. The ordaining clause of all ordinances shall be "Be it Ordained by the Governing Body of the City of Washington". All ordinances shall be read and considered section by section at a public meeting of the governing body, at which time amendments may be made to any section or sections upon motion, duly made and carried; and upon the reading and final consideration of the ordinance, the question shall be stated by the presiding officer: "Shall the ordinance be passed as read?" (or as read and amended), and the clerk shall call the roll of the governing body. The vote on the final passage of the ordinance shall be taken by "yeas" and "nays" which shall be entered on the journal of proceedings of the governing body by the city clerk (or in his/her absence by a member of the

governing body to be designated by the governing body to act as clerk pro tempore). No ordinance shall be passed unless a majority of all the members of the governing body shall vote in favor thereof.

- 1-114 **ORDINANCES: PUBLICATION REQUIRED; DUTIES OF CITY CLERK.** The city clerk shall cause all ordinances (except those appropriating money) to be published, as soon as practicable after their passage, in the official city newspaper which shall have been designated by the governing body, and no ordinance having any object beyond the bare appropriation of money shall be in force until published in such newspaper. One (1) publication of any such ordinance shall be sufficient. The publisher of the newspaper shall prefix such ordinance by a line in brackets, stating correctly the date of such publication, thus: (Published _____ 20 _____), giving the month, day and year of the publication. The city clerk shall immediately upon the final passage and approval of each ordinance enter the same in the "Ordinance Book" of the city as provided by law and append thereto a note reciting the manner in which the ordinance passed, the date of its passage, the name of the newspaper in which published and the date of publication. Such note shall be in substantially the following form:

"Note: Ordinance No. _____ passed the _____ day of _____, 20____. Record of final vote on passage, Page _____, Journal No. _____ Published in _____ the _____ day of _____, 20____."

- 1-115 **VACANCIES IN ELECTIVE OFFICES.** In case of vacancy in the office of council member occurring by reason of resignation, death, removal from the city, or removal from the office or becoming mayor by reason of being president of the council, the mayor shall appoint, with the consent of a majority of the remaining council members, some suitable person to fill the vacancy until the expiration of the term of such office. In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office, removal from the city, or refusal or failure to qualify, the president of the council, or in the case of the mayor-elect's refusal or failure to qualify, the new president of the council, shall become mayor until the expiration of the term and a vacancy shall occur in the office of the council member becoming mayor.
- 1-116 **RESOLUTIONS AND MOTIONS, PASSAGE.** Except where a state statute or city ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorable by a majority of a quorum of the council.
- 1-117 **EMERGENCY GOVERNMENT.** In the event of a catastrophe in which all, or a majority, of the members of the governing body are fatally injured, the interim governing body shall be composed of the surviving members, the city attorney, the city clerk, and a sufficient number of the appointed officials selected in the order of the greatest seniority in office to make up a governing body of the prescribed number.

ARTICLE 2. OFFICERS AND EMPLOYEES

- 1-201 **APPOINTMENT OF OFFICERS; MAYOR AND COUNCIL.** The mayor, with the consent of the council, at the first regular meeting of the council in May of each year, may appoint the following city officers: a city clerk, a city treasurer, a city administrator, a municipal judge, a city marshal-chief of police, fire chief

and may appoint an assistant marshal, policemen, a city attorney, and may retain a licensed professional engineer to act in the capacity of a city engineer whose officers are hereinafter provided by ordinance. All such officers shall qualify in the manner as provided by statute and shall have and perform the duties required by this and other ordinances of the city and the laws of Kansas. Every appointment to office, and the date thereof, shall be entered on the journal of proceedings of the council. (K.S.A. Supp: 15-204, 15-209.). The city administrator may be referred to in other ordinances of the city as the city superintendent and the term city administrator shall have the same identical meaning as the term city superintendent. (Ord. 678 sec. 3)

- 1-202 FAILURE TO APPROVE. If the council fails to act within thirty (30) days of an appointment, this shall be considered approval of the appointee. If the council disapproves the appointment, the mayor shall appoint another to the position.
- 1-203 REMOVAL OF OFFICERS. A majority of all the members of the council may remove any officer appointed in Section 1-201 of this article; or, for good cause, the mayor may remove any such officer, with the consent of the council. (K.S.A. 15-204.)
- 1-204 VACANCIES IN OFFICE. All vacancies in the offices provided for in this article may be filled until the next regular time for appointment by the governing body. (K.S.A. 15-209.)
- 1-205 CITY CLERK: The position of city clerk shall be under the supervision of the city council and the mayor of the City of Washington. (Ord. 678 sec. 4)

DUTIES OF OFFICE. The city clerk of the city shall have the following duties:

- (a) The city clerk shall keep his/her office in the city building, which office shall be open at such times during business hours in the city as may be fixed by the council;
- (b) The city clerk shall attend all meetings of the council and make and keep a record of all proceedings and meetings of the council in minute form entered in the journal of council proceedings. In the absence of the clerk from any meeting, the presiding officer shall appoint a member of the governing body to keep an account of the proceedings and to report the same to the city clerk;
- (c) Carry on all the official correspondence of the city, giving the same prompt attention and shall present for the consideration of the mayor and council at each meeting all correspondence received and replies given by him/her;
- (d) Have charge of the corporate seal of the city and shall affix the same to the official copy of all ordinances, deeds, contracts and similar documents required to be authenticated, and shall be authorized to administer oaths for all purposes pertaining to the business affairs of the city;
- (e) Be custodian of all the city records, books, papers, contracts, petitions, documents and other personal effects belonging to the city not properly pertaining to any other office and shall keep suitable files and records of the same;

- (f) Receive and audit all claims against the city and shall present them for consideration of the governing body at its regular meetings each month, and shall prepare appropriation ordinances for the payment of all claims allowed by the governing body. He/she shall draw warrants (or warrant checks) only when appropriations to pay claims against the city have been made by ordinance;
- (g) Be prepared to report to the governing body at its regular meetings each month in regard to the financial condition of the funds of the city so that the governing body may not create debts nor authorize the issuance of warrants in violation of the budget law or the cash basis law relating to the duties of city officers;
- (h) Keep a separate account of each fund of the city, whether the funds be derived from taxation or otherwise; no money belonging to one fund shall be placed to the credit of another fund, or be transferred to another fund unless there is lawful authority for the same. Each separate tax levy shall constitute a separate fund, and income derived from other sources shall be credited to the proper fund of the city;
- (i) Render such assistance as may be required by the governing body in preparing the annual city budget, any ordinance for the levying of taxes, and shall certify the same to the county clerk in the form and manner required by law together with a copy of the budget: PROVIDED, that a copy of the budget shall be filed with the State Department of Post Audits;
- (j) Keep a fully accurate account of all bonds issued by the city, recording them in the book by date, number, amount thereof, rate of interest, number of each coupon, amount of each, to whom payable, where payable and when cancelled upon return of the same to the city;
- (k) Keep a record of all special assessments made by the governing body for any purpose and shall certify the assessments to the county clerk for collection and payment in the manner provided by law;
- (l) The city clerk shall act as the withholding agent of the city for the purpose of the federal revenue (income) act as authorized by Section 75-3042, Kansas Statutes Annotated, and shall receive from each officer or employee of the city the withholding certificate required by virtue of the revenue act. He/she shall maintain a suitable record of the sums so withheld from wages and salaries and remit the same to the Director of Internal Revenue at such times and in such form as may be required by the regulations;
- (m) Assist with the cemetery records;
- (n) Assume the responsibilities of the city funds during the absence of the city treasurer;
- (o) Other duties as set forth in the personnel policy;
- (p) Prepare City warrants (warrant checks) for proper signature for the payment of city funds and countersign the same;

1-206 CITY TREASURER: The office of the city treasurer shall be under the supervision of the mayor and city council of the City of Washington. (Ord. 678 sec. 5)

DUTIES OF OFFICE. Duties for the city treasurer of the city shall be as follows:

- (a) The city treasurer shall receive and safely keep all moneys belonging to the city coming to him/her by virtue of his/her office, giving his/her receipt therefor and for all moneys received by him/her from any other source than the city clerk, he/she shall give duplicate receipts causing one of them to be filed with the city clerk, and shall keep a copy thereof in his/her own office;
- (b) Keep proper records and accounts of all moneys received and disbursed by him/her from any source and funds in behalf of the city specifying the time of receipt and disbursement, from whom received and to whom disbursed on account of the city;
- (c) Publish or cause to be published a quarterly financial statement of the city in the manner and style required by Section 12-1608 of the Kansas Statutes Annotated;
- (d) Deposit all funds of the city coming into his/her hands in his/her official capacity or responsibility in a depository bank or banks within the city, and only after the same has been designated by the governing body and after the depository bank shall have given security in those instances when a depository of public moneys must give security. All such deposits shall be made in his/her name and in his/her official title as treasurer of the City of Washington;
- (e) Pay out funds of the city upon warrants (warrant checks) properly signed by the mayor, attested by the city clerk and countersigned by him/her. He/She shall cancel all warrants as soon as paid, and in canceling paid warrants, he/she shall write across the face of such warrant the word "Paid" in red ink and sign the same. PROVIDED, that in case a warrant check is used, and such warrant is stamped by a depository bank of the city, the endorsement of the treasurer will not be required. (K.S.A. 9-1403, 12-608; K.S.A. Supp. 9-1401:1402, 10-801:809.)
- (f) Other duties as set forth in the personnel policy;

1-207 CITY ADMINISTRATOR: (Ord. 678 sec. 6)

POWERS, DUTIES, RESPONSIBILITIES: The position of city administrator shall be under the supervision of the mayor and city council of the City of Washington and shall involve supervising and managing all departments as required. The city administrator shall be appointed on the basis of experience and administrative abilities and shall:

- (a) Have and exercise management and supervision over all departments, services and personnel of the city, with the exception of the city clerk and city treasurer.
- (b) Have care and management over all city-owned property, land, buildings and equipment;

- (c) Attend all meetings of the governing body and regularly submit to the governing body a report on the status of the city and its services;
- (d) Be responsible for the proper and efficient discharge of the duties of all city employees under his/her jurisdiction. Make such recommendations to the governing body as deemed necessary for the good and efficient administration of departments under his/her jurisdiction;
- (e) Investigate all complaints in relation to matters concerning departments under his/her jurisdiction. Submit reports in order that the governing body may determine and establish policies for control of services;
- (f) Make studies and reports in order that governing body may adopt such as may be deemed necessary or expedient for the health, safety and welfare of the city;
- (g) Perform such other duties as the governing body may direct. No act or decision of the city administrator shall be rescinded or overruled, nor shall the services of the city administrator be terminated, unless by a majority vote of the council. In cases involving the discharge of a city employee by the city administrator, the employee shall have a right of appeal to the governing body;
- (h) Recommends changes in city policies and ordinances to the city council;
- (i) Perform employee evaluations under his/her jurisdiction;
- (j) Take responsibility and a proactive roll in the economic development of the city and long range planning;
- (k) Assist the city council with the annual budget;
- (l) Develop an operational budget for each department every year;
- (m) Exercise general supervision and control over all city purchases;
- (n) Perform official correspondence of the city.

1-208 MUNICIPAL JUDGE. The judge of the municipal court shall try all cases recognizable before the municipal court and shall have power to bring parties before it for trial upon complaint duly made. He/she shall have such authority and power as the law provides.

Ref: See also Chapter IX of this code.

1-209 CITY MARSHAL; ASSISTANT MARSHAL: DUTIES OF OFFICERS. The city marshal-chief of police and his assistants shall have the following duties:

- (a) The city marshal shall be chief of police, and shall at all times by day or by night have power to make arrests with process issued by the municipal judge, or without process on view of any offense against the laws of the State of Kansas or ordinances of the city, or to order the arrest under proper process of all offenders against the laws or ordinances, to keep all persons so arrested in the county jail or other proper place to prevent their escape until their trial can be had before the proper offices; and to execute all processes issued by the municipal judge and delivered to him for that purpose;
- (b) The assistant marshal shall have the same powers conferred upon the city marshal – chief of police. All police officers of the city, in the discharge of their duties, shall be subject to the order of the city marshal – chief of police;
- (c) It shall be the general duty of the marshals and police officers of the city at all times and to the best of their ability to preserve good order, peace and quiet throughout the city as provided by law or ordinance. All persons arrested for violation of any law of the state and who shall not be charged with any offense under an ordinance of the city shall be released to the custody of the sheriff of the county and such arrest shall be reported to the county attorney.

REF: See also Chapter X of this code.

1-210 CHIEF OF THE FIRE DEPARTMENT. The chief of the fire department or any members of the fire department designated by him/her shall perform the fire inspection duties and enforce the fire safety regulations required by ordinance or the laws of Kansas respecting persons and property within the city.

1-211 CITY ATTORNEY: DUTIES. The city attorney shall be a qualified elector of Washington County and be admitted to practice before the Supreme Court of the State of Kansas. The duties of the city attorney shall be to appear and prosecute or defend all actions or proceedings in any of the courts of record or before any of the administrative agencies of the State of Kansas in which the city may be a party or have an interest, to advise and counsel the governing body and officers of the city, to draft ordinances, contracts, examine deeds and abstracts, render opinions, to attend all regular meetings and such special meetings as from time to time the governing body may direct, and to perform other professional services incidental to his office. For his services the city attorney shall receive an amount to be established by the governing body prior to the rendering of the service.

1-212 APPOINTIVE OFFICERS: GENERAL DUTIES. The foregoing provisions of this article shall not be construed to limit the duties of the city officers herein named, but shall in every case create and establish a city office to be held and discharged by the officers whose appointment is provided. The governing body may create other city offices as the city may require hereafter and may abolish any office herein established which shall not have been created by the laws of Kansas for cities of the third class. (K.S.A. 15-204.)

- 1-213 COMPENSATION. Compensation for the officers of the City of Washington shall be as set by ordinance by the governing body of the city. (K.S.A. 15-204.)

ARTICLE 3. OATHS OF OFFICERS

- 1-301 OFFICERS' OATHS REQUIRED. All officers of the City of Washington, 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:

“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). So help me God.” (K.S.A. 54-106.)

- 1-302 OATHS FILED. All officers and employees required by Section 1-301 of this article to take and subscribe or sign an oath or affirmation shall be supplied the necessary 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.

ARTICLE 4. INVESTMENT OF IDLE FUNDS

- 1-401 AUTHORITY TO INVEST. The governing body of the City of Washington may invest any moneys not immediately required for the purposes for which the moneys were collected or received, only in:

- (a) Temporary notes issued by the city;
- (b) Time deposits, open accounts or certificates of deposit for periods not less than thirty (30) days in commercial banks or trust companies located in the city, or if such appropriate eligible commercial banks or trust companies cannot or will not make such deposits available to the City of Washington at interest rates equal to or greater than the average yield before taxes received on ninety-one (91) day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract or the maximum rates such banks or trust companies may pay on such deposits under applicable law or regulation, whichever is lower, then in commercial banks or trust companies located within Washington County or in the counties of the State of Kansas adjacent to Washington County;
- (c) In shares or savings deposits of savings and loan associations as authorized by K.S.A. 17-5002, and any amendments thereto;
- (d) Repurchase agreements of less than thirty (30) days duration with commercial banks or trust companies, 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; if no commercial bank or trust company located in the city is willing to enter into such an agreement with the city at an interest rate equal to or higher than a rate equal to two (2) percentage points

below the average yield as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent offering of such bills prior to the inception of such contract, then such repurchase agreements may be entered into with commercial banks or trust companies located in Washington County; if no bank in Washington County is willing to enter into such an agreement with the city at an interest rate equal or higher than a rate equal to two (2) percentage points below the average yield before taxes received on ninety-one (91) day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent offering of such bills prior to the inception of such contract then such repurchase agreements may be entered into with commercial banks or trust companies located in the State of Kansas; or

- (e) United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding six (6) months;

The investment authorized in Subsection “e” herein shall be utilized only if the appropriate eligible commercial banks or trust companies, located in the city, cannot or will not make the investments authorized in Subsection “b” herein, available to the city at interest rates equal to or greater than the average yield before taxes received on ninety-one (91) day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent public offering of such bills prior to the inspection of such deposit contract or the maximum rates such commercial banks or trust companies may pay on the investments authorized in Subsection “b” herein under applicable law or regulation, whichever is lower. (K.S.A. Supp. 12-1675; Ord. 453, Sec. 1)

1-402 **BANK TIME DEPOSITS.** The term “bank time deposits, open account” as used in this article means, a city bank account which is a bank deposit, other than a time certificate of deposit, with respect to which there is in force a written contract between the city and the designated bank which provides that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to:

1-401 The date of maturity, which shall not be less than thirty (30) days after the date of deposit, or

1-402 The expiration of the period of notice which must be given by the city in writing not less than thirty (30) days in advance of withdrawal. (Ord. 453, Sec. 2)

1-403 **CITY CLERK REPORTS TO GOVERNING BODY.** The city clerk shall periodically report to the governing body as to the amount of moneys available for investment and the period of time such amount 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 clerk shall provide for an investment program which shall so limit the amounts invested and 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. The governing body shall determine by resolution the amount, method and term of any investment and the type of investment made, subject to the provisions of this article.

1-404 **SECURITIES; JOINT CARE.** Securities purchased pursuant to this article shall be under the joint care of the city clerk, city treasurer and mayor of Washington,

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 original or receipt form held in the custody of a bank or trust 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 at least two (2) such city officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officers 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 at least two such officers.

- 1-405 TRANSFER, SELL SECURITIES. If, in order to maintain sufficient moneys on demand deposit in any fund, as provided in Section 1-403 of this article, it becomes necessary to transfer or sell any securities of such funds, any two (2) or more of the officers specified in Section 1-404 of this article may transfer the 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 directions, endorsements or assignments for and on behalf of the city. Any such transfers or sales shall be reported in writing to the governing body at its next regular meeting.
- 1-406 INTEREST. The interest or other earning from investments made pursuant to this article shall be credited pro rata to the fund or funds from which the investments were made and shall be used, insofar as possible, to relieve the ad valorem tax levies of the city. The city clerk shall maintain a complete and detailed record at all times of all investments made pursuant to this article.

ARTICLE 5. ADMINISTRATIVE FEES FOR OUTSIDE COLLECTION

- 1-501 ADMINISTRATIVE FEES FOR OUTSIDE COLLECTION. All bills which are determined to be a bad debt and turned over for outside collection, including the State of Kansas setoff program, shall be subject to a fee of twenty-five percent (25%) of the total delinquent amount. This bad debt administrative charge shall be applied prior to referral for collection. (Ord. 741)