

## CHAPTER I. ADMINISTRATION

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### ARTICLE 1. GENERAL PROVISIONS

- 1-101. CODE DESIGNATED. The chapters, articles and sections herein shall constitute and be designated as "The Code of the City of Horton, Kansas," and may be so cited. The Code may also be cited as the "Horton City Code." (Code 1992)
- 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 governing body or the context clearly requires otherwise:
- (a) City shall mean the City of Horton, Kansas.
  - (b) Code shall mean "The Code of the City of Horton, Kansas."
  - (c) 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.
  - (d) County means the County of Brown in the State of Kansas.
  - (e) 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.
  - (f) Gender. Words importing the masculine gender include the feminine and neuter.
  - (g) Governing Body shall be construed to mean the mayor and city commissioners of the city, or those persons appointed to fill a vacancy in the office of mayor or the commissioners as provided in this code.
  - (h) 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.
  - (i) 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.
  - (j) Month shall mean a calendar month.
  - (k) Number. Words used in the singular include the plural and words used in the plural include the singular.

(l) 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."

(m) 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, unless the context clearly indicates otherwise.

(n) 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.

(o) Person includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

(p) Property includes real, personal and mixed property.

(q) Real Property includes lands, tenements and hereditaments, and all rights thereto and interest therein, equitable as well as legal.

(r) Shall, may. "Shall" is mandatory and "may" is permissive.

(s) Sidewalk means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(t) Signature, subscription includes a mark when the person cannot write, when his or her name is written near such mark and is witnessed by a person who writes his or her own name as a witness.

(u) State shall be construed to mean the State of Kansas.

(v) 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.

(w) 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.

(x) Tenses. Words used in the past or present tense include the future as well as the past and present.

(y) 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.

(z) Year means a calendar year, except where otherwise provided.

(Code 1992)

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. (Code 1992)

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. (Code 1992)

1-105. **CATCHLINES OF SECTIONS.** The catchlines of the sections of this code printed in capital letters 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 1992)

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 1992)

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 Horton 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 Horton 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 \_\_\_\_\_ is hereby repealed." (Code 1992)

1-108. 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 commission shall vote in favor. (K.S.A. 12-3002; Code 1992)

1-109. 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. (K.S.A. 12-3004; Code 1992)

1-110. SAME; NOTICE AND PUBLICATION. (a) All major questions to be brought to a vote for adoption by the governing body of the city, shall be provided to and circulated among members of the body, in written form, at least seven days in advance of any final vote begin taken thereon.

(1) Major questions and issues shall include all ordinances, resolutions, and actions changing or adding any written policy, procedure, or rule of the city, including purchasing, personnel, and appointments, except as otherwise mandated by existing ordinances or resolutions; provided, however, that the notice shall not be required for payroll disbursements ordinances, honorary proclamations, bond ordinances, annual confirming ordinances concerning traffic and municipal offenses, and grant ordinances.

(2) In cases where emergency action is necessary before the expiration of the seven days advance notice in written form, a vote may be taken at either a special meeting called specifically for action upon that matter or those matters, or by a vote of not less than three commissioners of the governing body that an emergency exists which requires that immediate action be taken notwithstanding this section.

(b) No ordinance, except those appropriating money, shall be in force until 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. (K.S.A. 12-3007; Ord. 975, Secs. 1:3)

- 1-111. SAME; ORDINANCE BOOK. Following final passage and approval of each ordinance, the city clerk shall enter the same in the ordinance book 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. (K.S.A. 12-3008; Code 1992)
- 1-112. 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 commission. (Code 1992)
- 1-113. 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. (K.S.A. 12-120:121; Code 1992)
- 1-114. 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 Horton 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 1992)
- 1-115. 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 1-116. Each day any violation of this code continues shall constitute a separate offense. (Code 1992)
- 1-116. 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 \$1,000; or,
  - (b) Imprisonment in jail for not more than 179 days; or,
  - (c) Both such fine and imprisonment not to exceed (a) and (b) above.
- (Code 1992)
- 1-117. 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 1992)

## ARTICLE 2. GOVERNING BODY

- 1-201. GOVERNING BODY. The governing body shall consist of the mayor, one commissioner of finance and revenue, one commissioner of streets and public utilities, one commissioner of parks and one commissioner of police and the mayor shall be the presiding officer. (Code 1992)
- 1-202. QUALIFICATIONS. The mayor and each of the commissioners shall be a citizen of the United States and a qualified elector of the City of Horton, Kansas. (K.S.A. 14-1301; Ord. 866)
- 1-203. HOLDING OTHER OFFICE. No member of the board of commissioners shall hold any office of profit under the laws of any state or the United States, or hold any county or other city office. (K.S.A. 14-1302; Code 1965, 1-103)
- 1-204. SALARY; BOND. (a) Each member of the board of commissioners shall receive as compensation for services required to be performed for and in behalf of the city a salary to be fixed by the governing body.
- (b) The mayor and each commissioner shall, before entering upon the duties of his or her office, give a good and sufficient surety bond, to be executed by a bonding company authorized to do business in Kansas, payable to and for the use and benefit of the city, in the sum of \$5,000, conditioned for the faithful discharge of his or her duties, and that he or she will save the city harmless from all loss from his or her neglect of duty or malfeasance in office, or for the willful expenditure or misappropriation of any moneys, properties or securities of the city in violation of law; and the bond, before being accepted, shall be approved by the judge of the district court of Brown County, Kansas. The cost of such surety bonds will be borne by the city. If the mayor or a commissioner is or shall be the custodian of any money or negotiable securities belonging to the city as part of any trust fund or other fund of the city amounting to more than \$5,000, he or she shall as custodian of such money or securities furnish a surety bond as herein provided in a sum equal to the total amount of such money and securities in his or her hands as such custodian, the cost of the bond to be borne by the city. (K.S.A. 14-1304; Code 1965, 1-303)
- 1-205. MEETINGS. (a) The commission of the city shall meet on each and every first and third Monday of each month, and also on any fifth Monday occurring in any month, in regular meeting in the city hall of the city at 6:00 p.m., and take under advisement and act upon such business that may come before it, provided that if the regular meeting falls on a legal holiday, the meeting shall be held on the next succeeding business day.
- (b) The majority of the commission shall constitute a quorum for the transaction of business, but no final action shall be taken in any manner respecting the department of any absent commissioner unless such business has been made a special order with notice to such commissioner, of such contemplated action, or unless such action is taken at a regular meeting of the commission. (C.O. No. 12, Secs. 2:3; Ord. 1008, Sec. 1)
- 1-206. SPECIAL MEETINGS. The mayor, or the commissioner of finance and revenue when acting as mayor, and one commissioner shall have power to call

special meetings, the object of which shall be submitted to the board of commissioners in writing, and the call and the object, as well as the action of the board thereon, shall be entered upon the journal of the city clerk and no other business shall be transacted except that mentioned in the call. A written notice of the special meeting shall be served personally upon each member of the board or left at his or her usual place of residence at least two hours before the time of such meeting. The notice shall state the time, place and object of such special meeting and shall be issued by the city clerk to the chief of police or some other city employee, who shall make service at once as above provided and shall make a return in writing showing the manner of such service. (K.S.A. 14-1403; Code 1965, 1-105)

1-207.

**RULES AND ORDER OF BUSINESS.** The following shall constitute guidelines for the rules and order of business of the city.

Rule 1. Adjourned Meetings. Adjourned meetings of the governing body may be held at such time and place as the governing body may determine in the motion to adjourn.

Rule 2. Special Meetings. Special meetings may be held at any time upon a call signed by the mayor or the commissioner of finance and revenue when acting as mayor, and one commissioner.

The call of a special meeting shall be in substantially the following form:

**CALL FOR SPECIAL GOVERNING BODY MEETING**

Horton, Kansas  
\_\_\_\_\_, 19\_\_\_\_

To the Members of the Governing Body

A special meeting of the governing body is hereby called to be held at the city hall, \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ m., the object of said meeting being to \_\_\_\_\_ (state object)

Signed:

\_\_\_\_\_  
\_\_\_\_\_

A notice of such special meeting, stating the time, place, and object of the meeting, directed to the \_\_\_\_\_ shall be issued by the city clerk to the chief of police, his or her deputy, or a law enforcement officer or other city employee, who shall be required to make service of said notice at once personally upon each \_\_\_\_\_ or to leave it at his or her usual place of residence, and such notice must be served or left at the usual place of residence at least two hours before the time of meeting. The person serving the notice shall make a return in writing of the service, showing the manner of such service. Attendance at a special meeting by any member of the governing body shall constitute a waiver of the right to notice under this rule for that member. The notice and the return shall be in substantially the following form:

**NOTICE OF SPECIAL GOVERNING BODY MEETING**

Office of the City Clerk



RETURN

Received the original notice of special governing body meeting, of which the foregoing is a copy, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, and (served the same personally on \_\_\_\_\_ or left said original notice at the usual place of residence of \_\_\_\_\_) at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed:

\_\_\_\_\_

Person serving notice

Rule 3. Order of Business. At the hour appointed for meeting, the governing body shall be called together by the mayor, and in his or her absence by the acting mayor. The city clerk shall call the roll and note the absentees and announce whether a quorum be present. Upon the appearance of a quorum the governing body shall proceed to business, which shall be conducted in the following order:

- (1) Reading of the minutes of the last regular meeting and intervening special meetings, which if no corrections are offered, shall stand approved;
- (2) Presentation of petitions, memorials, and remonstrances;
- (3) Presentations of claims and appropriation ordinance;
- (4) Unfinished business;
- (5) New business;
- (6) Reports of other city officers.

Rule 4. Order. The mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the council.

Rule 5. Decorum. Every member previous to his or her speaking shall address himself or herself to the chair and shall not proceed until recognized by the chair. He or she shall indulge in no personalities and confine his or her remarks to the matter under debate.

Rule 6. Point of Order. A member called to order shall immediately suspend until the point of order raised is decided by the chair.

Rule 7. Certain Motions in Writing. Every motion except to adjourn, postpone, reconsider, commit, lay on the table, or for the previous question, shall be reduced to writing if the chair or any member requires it; when made and seconded, it shall be stated by the chairperson or being written shall be read by the clerk, and may be withdrawn before decision or amendment, or any disposition thereof has been made, or a vote thereon had.

Rule 8. Resolutions. All resolutions must be in writing.

Rule 9. Motions During Debate. When a question is under debate no motion shall be entertained except:

- (1) To adjourn;
- (2) To lay on the table;

- (3) To take the previous question;
- (4) To postpone;
- (5) To amend;

which several motions shall have precedence in the order in which they are named, and the first three shall be decided without debate.

Rule 10. Division. Any member may call for a division of a question when the same will admit thereof.

Rule 11. Voting; Abstaining From Voting. When a question is put by the chair, every member present shall vote unless for special reasons the chair shall excuse him or her. Except in cases where a commissioner abstains due to a potential conflict of interest, for those questions for which an abstention is permitted, such a vote shall be counted as a vote cast in favor of the position taken by the majority of those persons present and voting. In doubtful cases the chair may direct, or any member may call for, a division. The yeas and nays shall be called upon a requisition of the chair or any member, and upon the final passage of all ordinances in which case the names of the members voting and their votes shall be recorded in the minutes.

Rule 12. Precedence of Questions. All questions shall be put in the order in which they are moved, except in case of privilege questions, and in filling blanks the longest time and the largest sum shall be first.

Rule 13. Previous Question. The previous question shall be put in these words: "Shall the main question now be put?" It shall be admitted on demand of any member and until decided shall preclude all amendments and debate of the main question.

Rule 14. Passing of Ordinances. All ordinances shall be read by sections, at which time amendments, if any, may be offered, but the reading of any section shall not preclude the offering of an amendment to any preceding one. If amendments are made the chair shall so report, and each section shall be read as amended before the vote on the passage of the ordinance is taken. After reading and amendment (if any) of the ordinance, the question shall be: "Shall the ordinance pass?" The vote on the final passage of an ordinance shall be taken by yeas and nays, which shall be entered on the journal by the clerk; and no ordinance shall be valid unless a majority of (or otherwise as required by law) the members of the council vote in favor thereof: Provided, That 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. (K.S.A. 12-3002, 12-3004)

Rule 15. Signing and Engrossing Ordinances. After an ordinance shall have passed it shall be correctly entered in the original ordinance book and the original and the book copy shall be signed by the mayor, or in the absence of the mayor by the acting mayor, and attested by the clerk, who shall secure publication of the ordinance as required by law.

Rule 16. Clerk Reads Communications. Petitions and other papers addressed to the governing body shall be read by the clerk under proper order of business upon presentation of the same to the board.

Rule 17. Robert's Rules of Order. In all points not covered by these rules the governing body shall be governed in its procedure by Robert's Rules of Order. (Code 1992)

1-208. VACANCIES. In case of any vacancy from any cause in the office of mayor or any commissioner, the remaining members of the board of commissioners shall, within 10 days after the happening of the vacancy, elect some suitable person to fill the vacancy until the next annual election held in the city: Provided, That if the remaining commissioners cannot agree upon some such suitable person, then they shall call in the city attorney who shall cast the decisive vote for such appointment. The removal from the territorial limits of the city by the mayor or any commissioner shall ipso facto be deemed to create a vacancy in the office. (K.S.A. 14-1305, Code 1965, 1-106)

1-209. MAYOR. The mayor shall preside at all meetings of the board of commissioners, except as otherwise provided by statute. (K.S.A. 14-1401; Code 1965, 1-107)

1-210. SIGNING ORDINANCES; VOTING; NO VETO POWER. The mayor shall sign all ordinances passed by the board of commissioners and shall have the right to vote as a member of the board on all questions which may arise, but he or she shall have no veto power. (K.S.A. 14-1401; Code 1965, 1-108)

1-211. CODE OF ETHICS. (a) Declaration of Policy - The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the city.

(b) Responsibilities of Public Office - Public officials and employees 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 nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality 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.

(c) Dedicated Service - All officials and employees of the city should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public

officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(d) Fair and Equal Treatment - (1) Interest in Appointments. Canvassing of members of the city commission, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the city commission.

(2) Use of Public Property - No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as city policy for the use of such official or employee in the conduct of official business.

(3) Obligations to Citizens - No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(e) Conflict of Interest - No elected or appointive city official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of officials and employees:

(1) Incompatible Employment - No elected or appointive city official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

(2) Disclosure of Confidential Information - No elected or appointive city official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.

(3) Gifts and Favors. No elected or appointive city official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee (a) accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or (b) grant in the discharge of his or her duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (a) an occasional nonpecuniary gift, of only nominal value or (b) an award publicly presented in recognition of public service or (c) any gift which would have been offered or given to him or her if not an official or employee.

(4) Representing Private Interest Before City Agencies or Courts - No elected or appointive city official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interest before any agency of this city. He or she shall not represent private interests in any action or proceeding against the interest of the city in any litigation to which the city is a party.

(Code 1992)

### ARTICLE 3. OFFICERS AND EMPLOYEES

- 1-301. OFFICERS APPOINTED. The governing body of the city shall appoint a city administrator, city attorney, city treasurer, and a municipal judge, provided, that no officer other than the city administrator, shall be appointed until the salary and term of the office to which he or she is appointed shall be prescribed by ordinance. (C.O. No. 11, Sec. 2)
- 1-302. TERM OF OFFICE. All appointive officers, other than the city administrator, shall hold office for the term of two years, commencing on the first Monday in May of each odd-numbered year, and until their successor is appointed and qualified. In case of a vacancy in any office, the person appointed to that vacancy shall be appointed for the remainder of that term. (C.O. No. 11, Sec. 3)
- 1-303. ELIGIBILITY FOR OFFICE. No person other than the city administrator, shall be eligible to any appointive office unless he or she shall be a bona fide resident of the city or of the territory within a two mile radius of the city prior to his or her appointment except that the city may hire nonresident expert employees when deemed necessary by the board of commissioners. (K.S.A. 14-502; Code 1965, 1-203)
- 1-304. REMOVAL OF APPOINTIVE OFFICERS AND EMPLOYEES. The board of commissioners shall have power by a majority vote of all the members thereof to remove for cause any of the officials named in section 1-301 hereof, and may at any time deemed necessary or expedient, discontinue any office except those specifically provided for by law. (K.S.A. 14-1503; Code 1965, 1-204; Code 1992)
- 1-305. VACANCIES IN OFFICES GENERALLY. In case of the disability or any vacancy occurring by death, resignation or removal by the governing body of any city officer named in section 1-301, the governing body shall, by a majority vote of all the members thereof, appoint some suitable person to fill the unexpired term. All resignations of appointive officers shall be made in writing to the governing body for their action thereupon. Removal from the territorial limits of the city shall ipso facto vacate the office of the person so removing. (K.S.A. 14-1504; Code 1965, 1-205; Code 1992)
- 1-306. RETAINING LICENSED PROFESSIONAL ENGINEER. The governing body may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties, and provide for reasonable compensation for the services rendered. (K.S.A. 14-1501; Code 1965, 1-206)
- 1-307. CITY TREASURER. The city treasurer shall:
- (a) Keep a full and accurate record of all money received and paid out in a ledger book provided by the governing body;
  - (b) Publish a quarterly financial statement;
  - (c) Deposit all public moneys and sign all checks of the city;
  - (d) Pay out city funds only upon orders or warrants properly signed by the mayor and city clerk;
  - (e) Perform such other duties as may be prescribed by the governing body or the Kansas statutes.

(K.S.A. 10-803; K.S.A. 12-1608; Code 1965, 1-218:221; Code 1992)

1-308. CITY ATTORNEY; OFFICE; DUTIES. There is hereby established the office of city attorney. No person shall be eligible for the office of city attorney who is not an attorney at law admitted to practice in the Supreme Court of the State of Kansas. The city attorney shall be charged with the general direction and supervision of the legal affairs of the city. The city attorney shall:

- (a) Attend meetings of the city governing body when so directed to attend by the commission;
  - (b) Advise the city governing body 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 commission, 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 and legality;
  - (f) Attend planning commission and board of zoning appeals meetings when so directed by the boards;
  - (g) Appear and prosecute all violations of city ordinances in municipal court when his or her services shall be required;
  - (h) Perform such other duties as may be prescribed by the governing body and the Kansas statutes.
  - (i) The mayor may appoint, by and with the consent of the city commission, one or more assistant city attorneys. An assistant city attorney shall perform those duties assigned to that office by the city attorney.
- (Code 1965, 1-217; Code 1992)

1-309. CITY ENGINEER. The city engineer shall be a licensed professional engineer in the State of Kansas. He or she shall be responsible for:

- (a) The design and specifications for all city streets, sewers, water lines, public buildings and other public facilities;
- (b) The inspection of all public works projects including streets, sewers, water lines and other public facilities;
- (c) The general supervision of the maintenance and repair of all public facilities.

(Code 1965, 1-206; Code 1992)

1-310. CITY ADMINISTRATOR; POWERS AND DUTIES. (a) To devote all necessary time and attention to the affairs of the city and be responsible to the governing body and mayor for the efficient administration of its affairs.

- (b) With the confirmation of the governing body of the city, to appoint and remove all heads of departments, except the city attorney, municipal judge and city treasurer. He or she shall have the power, subject to approval of the governing body, to appoint and hire all other employees. Furthermore, without approval of the governing body to remove or terminate all employees except department heads, city attorney, municipal judge, and city treasurer.
- (c) To supervise all non-elected city employees, except the city attorney, municipal judge and city treasurer.
- (d) To attend all meetings of the governing body with the right to take part in the discussion, but having no vote.

(e) To see that all terms and conditions imposed in favor of the city are faithfully kept and performed and upon knowledge of any violation thereto, to call the same to the attention of the governing body.

(f) To act as budget officer and as such to prepare and recommend to the governing body, prior to the beginning of each fiscal year, a budget for the ensuing fiscal year, showing in as much detail as practicable, the estimated amounts of revenues and expenditures for the efficient operation of the city government.

(g) To act as purchasing agent for the city and to purchase all merchandise, material, and supplies needed by the city and may establish, if needed, a suitable storehouse where such supplies shall be kept and from which the same shall be issued as needed. It shall be the duty of the purchasing agent to give opportunity for competition on purchases and sales, except when the nature of the purchase or sale is such that competition is impossible or impracticable.

(h) To recommend to the governing body the salaries to be paid each employee of the city that is under the city administrator's supervision as specified in subsection (c).

(i) To recommend to the governing body such measures as he or she may deem necessary or expedient.

(j) To do and perform such other duties as may be prescribed by ordinance or resolution of the governing body.

(Ord. 1011, Sec. 1)

1-311.

CITY CLERK. (a) Position Created and Established.

(1) The office of city clerk is hereby created and established.

(2) Compensation may be determined by the governing body.

(3) The city clerk may or may not be a resident of the city when hired, but within a reasonable time, meet the guidelines established by the city commission and by the personnel rules and regulations manual adopted by the city commission.

(4) During the absence or disability of the city clerk or vacancy in the office, the governing body shall appoint an acting city clerk.

(b) Authority, Powers and Duties.

(1) To attend all meetings of the city council and keep a true record of its proceedings and keep a record of all official acts of the clerk and when necessary shall attest them.

(2) Keep and preserve the necessary records and a true record of the city proceedings.

(3) Keep and preserve in the city clerk's office, the corporate seal of the city, all records, public papers and documents of the city not belonging to any other office.

(4) Be authorized to administer oaths, keep a correct account of the city and county of the financial affairs of the city treasurer as may be provided by ordinance and shall perform such other duties as may be prescribed by ordinance.

(5) The mayor may appoint one or more deputies by and with the consent of the council. The salary of such deputy or deputies shall be fixed by ordinance.

(6) The city clerk shall perform such other duties as may be prescribed by the governing body, the ordinance of the city, the city administrator and the laws administrator regulation of the State of Kansas.

(Ord. 1012, Secs. 1:5)

1-312.

ASSISTANT CITY CLERK. (a) The office of assistant city clerk is hereby established. The mayor shall appoint, by and with the consent of the city council,

the assistant city clerk. The person so appointed and confirmed shall hold the office for a term of one year and until a successor is appointed and confirmed.

(b) The assistant city clerk shall perform those duties assigned to that office by the city clerk.

(c) Whenever a vacancy occurs in the position of city clerk and the city is without a person appointed, confirmed or qualified to hold that office, the assistant city clerk shall become the acting city clerk and fulfill the duties of that office.

(d) Compensation of the assistant city clerk shall be set by ordinance passed by the governing body.

(Ord. 1012, Secs. 1:2; Code 2001)

1-313. 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 1992)

1-314. 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 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 or five percent, whichever is less, individually or collectively with his or her 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 or more; or

(3) In which he or she 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.

(K.S.A. 75-4301; Code 1992)

1-315. INTERFERENCE WITH DEPARTMENTS AND EMPLOYEES. No member of the city governing body shall directly interfere with the conduct or duties of any department or employee under the supervision of the city administrator except at the expressed direction of the governing body, or with the approval of the city administrator. (Ord. 889, Sec. 1)

1-316. SAME; SPECIFIC DEPARTMENTAL AUTHORITY. No individual elected governing body member of the city shall exercise any supervision, control, management or responsibility over any city employee excepting those within the specific department of any such commissioner, and the only to the extent provided for in the city code. (Ord. 889, Sec. 2)

1-317. SAME; NOTICE. Any attempts to harass, intimidate or threaten city employees or any violations of the provisions of section 1-315 or section 1-316 shall be reported to the city administration and the city administrator shall then bring the matter to the immediate attention of the governing body. (Ord. 889, Sec. 3)

1-318. SAME; SUPERVISION. All employees of the city shall take directions from and be under the supervision of their respective department heads, the city administrator, or the commissioner for the department in which they work. Any city employee taking action at the direction of any other person or any other city official, or any city employee failing to report any attempts at harassment, intimidation, or any violations of the other provision of sections 1-316:319 shall be subject to disciplinary action under the personnel policies established in the city, and after all procedures described by those personnel policies have been complied with. (Ord. 889, Sec. 4)

1-319. SAME; DISCLAIMER. The governing body of the city disavows and disclaims any responsibility for any and all unauthorized public statements or actions made or taken by any individual elected member of the governing body of the city that are beyond the scope of his or her powers, authority, duties or responsibilities as described by the laws set forth by the legislature of the State of Kansas and by the ordinances and resolutions duly passed and adopted by the governing body of the city. (Ord. 889, Sec. 5)

#### **ARTICLE 4. PERSONNEL POLICY AND EMPLOYEE BENEFITS**

1-401. PERSONNEL RULES AND REGULATIONS. There is hereby incorporated by reference for the purpose of establishing employee personnel rules and regulations the document entitled "Uniform Personnel Rules and Regulations for the City of Horton." No fewer than three copies of said document shall be marked or stamped "Official Copy as adopted by the Code of the City of Horton" and which there shall be attached a copy of this section. Said official copies shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. All departments of the city shall be supplied with copies of such rules and regulations as may be deemed necessary. (Code 1992)

#### **ARTICLE 5. OATHS AND BONDS**

1-501. OATH. 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:

"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." (K.S.A. 75-4308; Codd 1965, 1-301; Code 1992)

1-502. 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 1965, 1-301; Code 1992)

- 1-503. **BONDS REQUIRED.** (a) The following city officers shall each, before entering upon the duties of his or her office, give a good and sufficient corporate surety bond to the city. The bond shall be in the following amount, to wit:
- (1) City treasurer - \$10,000;
  - (2) City clerk - \$5,000;
  - (3) Clerk of municipal court - \$1,000;
  - (4) Judge of municipal court - \$1,000;
  - (5) City administrator - \$5,000.
- (b) The governing body may provide for the coverage by blanket bond of such officers and employees and in such amounts as the governing body may, by resolution, designate.  
(Code 1965, 1-304:305; Code 1992)
- 1-504. **SAME; PREMIUMS.** All premiums on surety bonds shall be paid by the city. (K.S.A. 78-111; Code 1992)
- 1-505. **CONDITION OF BONDS.** Each of the bonds required in section 1-503 of this article shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and 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 office. (Code 1992)
- 1-506. **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 1992)

## **ARTICLE 6. OPEN RECORDS**

- 1-601. **POLICY.** (a) It is hereby declared to be the policy of the city 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 designated representative.  
(Code 2001)
- 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 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 2001)

- 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 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 2001)
- 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 2001)
- 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 recordkeeper 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 2001)
- 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 2001)
- 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 the city clerk's office and all other public records not provided for elsewhere in this section.
- (b) City Treasurer - All public records not on file in the office of the city clerk and kept and maintained in the city treasurer's office.
- (c) Chief of Police - All public records not on file in the office of the city clerk and kept and maintained in the city police department.
- (d) Fire Chief - All public records not on file in the office of the city clerk and kept and maintained in the city fire department.
- (e) City Attorney - All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office.
- (f) Clerk of the Municipal Court - All public records not on file in the office of the city clerk and kept and maintained in the municipal court.  
(Code 2001)

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 2001)

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 shall notify the city clerk of such designation and the city clerk shall maintain a register of all such designations.  
(Code 2001)

1-610. REQUESTS TO BE DIRECTED TO CUSTODIANS. (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.  
(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.  
(Code 2001)

1-611. FEE ADMINISTRATION. The city clerk is hereby authorized to provide the clerk's office, and the office of each record custodian, with sufficient cash to enable the making of change for record fee purposes. Each custodian shall transmit all record fee moneys collected to the city treasurer not less than monthly. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of fee charged and collected, which amounts shall be periodically audited by the clerk-finance officer and treasurer of the city. (Code 2001)

- 1-612. INSPECTION FEE. (a) Where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.  
(b) In all cases not covered by subsection (a) of this section, a record inspection fee shall be charged at the rate of \$\_\_\_\_\_ per hour per employee engaged in the record search. A minimum charge of \$\_\_\_\_\_ shall be charged for each such request.  
(Code 2001)
- 1-613. COPYING FEE. (a) A fee of \$\_\_\_\_\_ per page shall be charged for photocopying public records, such fee to cover the cost of labor, materials and equipment.  
(b) For copying any public records which cannot be reproduced by the city's photocopying equipment, the requester shall be charged the actual cost to the city, including staff time, in reproducing such records.  
(Code 2001)
- 1-614. PREPAYMENT OF FEES. (a) A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.  
(b) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$\_\_\_\_\_.  
(c) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.  
(Code 2001)
- 1-615. PAYMENT. All fees charged under this article shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for purposes of billing and payment, with the city. (Code 2001)

## **ARTICLE 7. INVESTMENT OF IDLE FUNDS**

- 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 1992)

1-702.

INVESTMENT OF IDLE FUNDS. Temporarily idle moneys of the city not currently needed, may in accordance with the procedure hereafter described be invested:

(a) In temporary notes or no-fund warrants issued by such investing governmental unit;

(b) In time deposit, open accounts or certificates of deposit with maturities of not more than two years:

(1) In commercial banks which have offices located in such investing governmental unit; or

(2) If the office of no commercial bank is located in such investing governmental unit, then in commercial banks which have offices in the county or counties in which all or part of such investing governmental unit is located;

(c) In time certificates of deposit with maturities of not more than two years:

(1) With state or federally chartered savings and loan associations or federally chartered savings banks which have offices located in such investing governmental unit; or

(2) If the office of no state or federally chartered savings and loan association or federally chartered savings bank is located in such governmental unit, then with state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties in which all or part of such investing governmental unit is located;

(d) In repurchase agreements with:

(1) Commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or

(2)(A) If the office of no commercial bank, state or federally chartered savings and loan association or federally chartered savings bank is located in such investing governmental unit; or

(B) If no commercial bank, state or federally chartered savings and loan association or federally chartered savings bank has an office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (I) of K.S.A. 75-4201, and amendments thereto, then such repurchase agreements may be entered into with commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties in which all or part of such investing governmental unit is located; or

(3) If no bank, state or federally chartered savings and loan association or federally chartered savings bank which has its office in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (I) of K.S.A. 75-4201, and amendments thereto, then such repurchase agreements may be entered into with commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the State of Kansas;

(e) 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 the following, which is doing business within the State of Kansas, any state or national bank, state or federally chartered savings and loan association, or federally chartered savings bank; 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 which is registered in compliance with the requirements of section 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-1254, and amendments thereto;

(f) The municipal investment pool fund;

(g) The investments authorized and in accordance with the conditions prescribed in section 2 of the municipal investment pool fund act;

(h) The trust departments of commercial banks which have offices located in such investing governmental unit or with trust companies which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with commercial banks which have offices located in the county or counties in which such investing governmental unit is located. 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. Investments of public moneys under this paragraph shall be limited to those investments authorized under subsection (b) of section 1 of the municipal investment pool fund act.

(i) The investments authorized in paragraphs (e), (f), (g) or (h) of this section shall be utilized only if the appropriate eligible commercial banks, which have offices located in the investing governmental unit or in the county or counties in which all or a part of such investing governmental unit is located if no such bank has an office which is located within such governmental unit, or the appropriate eligible state or federally chartered savings and loan associations or federally chartered savings banks, which have offices located in the investing governmental unit or in the county or counties in which all or a part of such investing governmental unit is located if no such state or federally chartered savings and loan association or federally chartered savings bank has an office which is located within such governmental unit, cannot or will not make the investments authorized in paragraphs (b) or (c) of this section available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (l) of K.S.A. 75-4201, and amendments thereto. (K.S.A. 12-1675, as amended; Code 1996)

1-703.           **PROCEDURES AND RESTRICTIONS.** The city clerk 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 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. (Code 1992)

1-704.           **CUSTODY AND SAFEKEEPING.** Securities purchased pursuant to this article shall be under the care of the city clerk, city treasurer and city administrator 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 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 1992)

1-705. SALE OR TRANSFER. If, in order to maintain sufficient moneys on demand deposit in any fund as provided in section 1-703, it becomes necessary to transfer or sell any securities of such funds, the officers specified in section 1-704 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 1992)

1-706. 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 1992).

Ref. See K.S.A. 12-1677.

#### **ARTICLE 8. PETTY CASH FUND**

1-801. PETTY CASH FUND; ESTABLISHED. There is hereby created and established a petty cash fund for the city in the amount of \$500. A city warrant will be drawn on the water and electric funds to be used in increasing the petty cash fund. (Ord. 826, Sec. 1; Code 1996)

1-802. PETTY CASH FUND; DIMINISHED OR DEPLETED. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering such expenses as have been paid from the petty cash fund, and shall submit the same to the governing body for audit and allowance of the amount from the regular city funds. Warrants issued therefore shall be payable to the petty cash fund to its original amount, for use as herein provided. (Ord. 826, Sec. 5)