

## CHAPTER 1. ADMINISTRATION

Article 1.	General Provisions
Article 2.	City Elections
Article 3.	Governing Body
Article 4.	Administrative Officers
Article 5.	Oaths and Bonds
Article 6.	Boards and Committees
Article 7.	Investment of Idle Funds
Article 8.	Open Public Records
Article 9.	Insurance Proceeds

### ARTICLE 1. GENERAL PROVISIONS

1-101. CODE DESIGNATED. The chapters, articles and sections herein shall constitute and may be designated as the Code of the City of Haysville, Kansas, and may be so cited.

(Code 1984)

1-102. DEFINITIONS. The following definitions and rules of construction shall be observed in the construction of this code and of all ordinances unless they are inconsistent with the manifest intent of the governing body or the context clearly requires otherwise. The following words or phrases shall mean:

(a) City: City of Haysville, in Sedgwick County, Kansas.

(b) 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. If the last day is a Sunday or legal holiday, that day shall be excluded.

(c) County: County of Sedgwick, Kansas.

(d) Delegation of Authority: Whenever a provision appears requiring or authorizing the head of a department or other 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.

(e) Gender: Words importing the masculine gender include the feminine and neuter.

(f) In the City: Any territory within the corporate limits of the City of Haysville, Kansas, and the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the city by law, except as otherwise specified.

(g) Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(h) May is permissive.

(i) Number: Words used in the singular include the plural and words used in the plural include the singular.

(j) Oath: Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases, the words “swear” and “sworn” are equivalent to the words “affirm” and affirmed.”

(k) Owner: 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 buildings or land.

(l) Person: A firm, partnership, association or persons, corporation, organization or any other group acting as a unit, as well as an individual.

(m) Property: Real, personal and mixed property.

(n) Real Property: Land, tenements and hereditaments.

(o) Shall and Will are mandatory.

(p) Sidewalk: Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(q) Street: Public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.

(r) Tenant, Occupant: Applies to building or land, means any person who occupies the whole or part of such building or land, whether alone or with others.

(Code 1984; Code 2003)

1-103. 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 to ordinances 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.

(K.S.A. 12-3014, 3015; Code 1984)

1-104. CATCHLINES. The catchlines or headings of the sections of this code are intended as mere words to indicate the contents of the sections 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 1984)

1-105. AMENDMENTS: REPEAL. Any portion of this code may be amended by specific reference to the section number as follows: “That section of the code of the City of Haysville is hereby amended to read as follows: (The section as amended shall then be set out in full)...” A new section not heretofore existing in the code may be added as follows: “That the code of the City of Haysville is hereby amended by adding a section (or article or chapter) which reads as follows... (the new section 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 Haysville is hereby repealed.”  
(Code 1984)

- 1-106.        POWERS GENERALLY. All powers exercised by cities of the second class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to such limitations as prescribed by law.  
(Code 1984)
- 1-107.        PUBLICATION OF ORDINANCES. No ordinance, except those appropriating money, shall be in force until published in the official city newspaper by the city clerk. One (1) 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; Code 1984)
- 1-108.        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 1984)
- 1-109.        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.  
(Code 1984)
- 1-110.        RESPONSIBILITIES OF PUBLIC OFFICE. City employees, elected and appointed officials hold office for the benefit of the public. By oath of office, they are bound to support the Constitution of the United States and the Constitution of the State of Kansas. By virtue of their positions, they are also bound to uphold and support the laws of the state of Kansas and the ordinance and rules and regulations of the city, and to faithfully discharge the duties of their position, keeping public interest as their primary concern.  
(Ord. 684, Sec. 2; Code 2003)
- 1-111.        CONFLICT OF INTEREST. (a) Guidelines are hereby established for city employees, contract employees, appointed officials and elected officials in conducting the business of the city and protecting the trust of the people. The city sets forth those acts or actions that would be considered a breach of the code of ethics, a conflict of interest or action incompatible with the employment or holding of public office. The proper operation of a democratic government requires that public

officials, employees and appointed personnel be responsible to the people. Public office shall not be used for personal gain; decisions and policy shall be conducted through proper governmental channels; government integrity must be upheld to maintain public confidence.

(b) An employee or public official may be deemed to have a “substantial interest” which prohibits the employee or public official from handling or participating in a transaction if any of the following are present within the transaction such as dealing with a relative or a business with whom the employee or public official has a current contract or his or her spouse is employed.

Special or conflict of interest shall be defined as follows:

(1) If an employee or an employee’s spouse, public official or public official’s spouse, either individually or collectively, has owned within the preceding twelve (12) months a legal or equitable interest exceeding five-thousand dollars (\$5,000) or five percent (5%) of any business, whichever is less, the employee or public official has a substantial interest in that business.

(2) If an employee or an employee’s spouse, public official or public official’s spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the public official and spouse or employee and spouse in an aggregate amount of two-thousand dollars (\$2,000) from any business or combination of businesses, the employee or public official has a substantial interest in that business or combination of businesses.

(3) If an employee or an employee’s spouse, public official or public official’s spouse, either individually or collectively, has received in the preceding twelve (12) months, without reasonable and valuable consideration, goods or services having an aggregate value of five hundred dollars (\$500) or more from a business or combination of businesses, the employee or public official has a substantial interest in that business or combination of businesses.

(4) If an employee or an employee’s spouse, public official or public official’s spouse hold the position of officer, director, associate, partner or proprietor, of any business, other than an organization exempt from federal taxation of corporations under section 501(c) (3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code, the employee or public official has a substantial interest in that business, irrespective of the amount of compensation received by the employee or employee’s spouse, public official or public official’s spouse.

(5) If an employee or an employee’s spouse, public official or public official’s spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the employee or public official has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the employee or the employee’s spouse, public official or public official’s spouse, either individually or collectively, received in aggregate of two-thousand dollars (\$2,000) or more in the preceding calendar year.

(6) If an employee or employee's spouse, public official or public official's spouse has been offered or promised a job, gift or business investment, a conflict of interest exists.

(Ord. 684; Code 2003)

1-112. BREACH OF ETHICS. Inappropriate Conduct. (a) No city employee shall accept private employment elsewhere when that employment interferes with the proper discharge of official duties or interferes with independent judgment.

(b) No city employee or public official shall use any influence derived from being an employee on behalf of any person, business or other entity before any city agency, board, commission, council or municipal court.

(c) No city employee or public official shall request or allow unauthorized and/or personal use of city-owned vehicles, equipment, materials, or property for personal profit.

(d) No city employee or public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(e) It is not considered to be a violation of the code of ethics if an official or employee has a contract with a person or business of less than five-hundred dollars (\$500) or has a loan from a financial institution, or has a commercial retail sales contract, even if the value is over five-hundred dollars (\$500).

(f) No city employee or public official shall disclose or reveal any information or discussion which occurs or is disseminated during an executive session permitted to be conducted by the Kansas Open Meetings Act. No city employee or public official shall disclose or reveal any information that may be withheld pursuant to the Kansas Open Records Act unless such disclosure had been approved by the city attorney and authorized by the mayor or the mayor's designee.

(Ord. 684; Code 2003)

1-113. CITY CONTRACT, PARTICIPATION. (a) Employees and public officials may not participate in open bidding for contracts or services if they have any knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities that has not been made available to all interested parties.

(b) No employee or public official shall, in the capacity of such position, make or participate in the making of a contract with any person or business by which the employee or public official is employed by or is under contract to, or in whose business the employee or public official has a substantial interest.

(c) No person or business shall enter into any contract where any city employee or official, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.

(d) A city employee or official shall not make or participate in the making of a contract if the employee or official abstains from any action in regard to the contract.

(e) Any city employee intending to participate in a bidding process, whether original contractor, sub-contractor or supplier, must first obtain written permission from the employee's department head.

(f) This section shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for any published notice unless the employee or official has specific knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities not available to other bidders;

(2) Contracts for property or services for which the price or rate is fixed by law.

(Ord. 684; Code 2003)

1-114. **PARTICIPATION IN OTHER MATTERS.** If an employee or official has a substantial interest in a not-for-profit organization which is exempt from federal taxation under section 501(c) (3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States Code by virtue of holding the position of officer, director, associate, partner or proprietor, the employee or official must disclose this interest if he/she intends to participate in any matter between the city and the organization. This disclosure must be filed with the city clerk before the employee or official act on the matter.

(Ord. 684, Sec. C)

1-115. **RESTRICTIONS ON FORMER EMPLOYEES OR OFFICIALS IN MATTERS CONNECTED WITH THEIR FORMER DUTIES.** It shall be a breach of ethical standards for any former employee or official to participate in negotiations, proceedings or open bidding for contracts or services if the former employee or official has any knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities if that knowledge was derived specifically from said employment or official duties and has not been made available to all interested parties.

(Ord. 684, Sec. D.1)

1-116. **RESTRICTIONS OF SELLING TO THE CITY.** It shall be a breach of ethical standards for any employee or official to engage in selling or attempting to sell supplies, services, or construction to the city during their employment or term except through open, competitive bidding and the employee or official has no special knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities that has not been made available to all interested parties.

The term "sell" as used herein means signing a bid, proposal, or contract; or negotiating a contract; contracting any employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consumption of a sale although the actual contract therefore is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former employee or official from accepting employment with private industry solely because the former employee's or official's employer is a contractor with the city, nor shall a former employee or official be precluded from serving as a consultant to the city.

This section shall not apply if the former employee or official, before engaging in or attempting to sell, makes a full disclosure to the governing body of the former

position and the governing body determines that it is in the best interest of the city to permit the former employee or official to sell or attempt to sell such supplies, services, or construction.

- 1-117.        **SANCTIONS.** Violations shall be an administrative matter. For violations of the provisions of sections 1-110 and 1-111 the employee shall be terminated. An official who violates said section 1-110 and 1-111 shall be subject to recall or removal from office pursuant to state law. Violations of any section other than section 1-110 or 1-111 may constitute a cause for suspension, termination or other disciplinary action. Violations of any provision may constitute cause to cancel any contract, cease negotiations on any contract and rescind or modify any previous action based on such violations.  
              (Ord. 684; Code 2003)
- 1-118.        **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 and K.S.A. 12-121 inclusive, which is incorporated by reference herein as if set out in full.  
              (K.S.A. 12-120; 12-121; Code 1984)
- 1-119.        **ALTERING CODE.** It shall be unlawful for any person, firm, company, corporation or other entity to change, 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 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 1984)
- 1-120.        **SCOPE OF APPLICATION.** Any person convicted of doing any of the acts or things prohibited, made unlawful or misdemeanor, or the failing to do any of the things commanded to be done, as specified and set forth in this code shall be deemed guilty of a misdemeanor and punished in accordance with section 1-121. Each day any violation of this code continues shall constitute a separate offense.  
              (Code 1984)
- 1-121.        **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 less than fifty dollars (\$50) or more than one-thousand dollars (\$1,000); or,  
              (b) Imprisonment for not more than one hundred eighty (180) days; or  
              (c) Both such fine and imprisonment not to exceed (a) and (b) above.  
              (Code 1984; Code 2003)
- 1-122.        **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 1984)

## **ARTICLE 2. CITY ELECTIONS**

1-201.       **GENERAL ELECTIONS.** There shall be elected, on the first Tuesday in April of 2004, one councilmember from each ward to each of the city council positions having terms which would otherwise expire in April 2004, whom shall be elected for a one-time term of three (3) years. Then, there shall be elected, on the first Tuesday in April 2007 and every four years thereafter, one councilmember from each of said wards, each of whom shall be elected thereafter for a term of four (4) years.

There shall be elected, on the first Tuesday in April of 2005 and every four (4) years thereafter, one councilmember from each ward to each of the city council positions having terms which would otherwise expire in April 2005, each of whom shall be elected thereafter for a term of four (4) years.

There shall be elected on the first Tuesday in April of 2005 and every four (4) years thereafter, the mayor having a term which would otherwise expire in April 2005, who shall be elected thereafter for a term of four (4) years.

(C.O. No. 2; C.O. No. 11, C.O. No. 17)

1-202.       **ELECTION OF COUNCILMEMBERS.** Each ward of the city shall have two (2) councilmembers and shall be chosen by the qualified electors of their respective wards. No person shall be eligible to the office of councilmember who is not at the time of his or her election or appointment, an actual resident and qualified voter of the ward for which he or she is elected or appointed. If any councilmember shall move from the ward from which he or she was elected or appointed, his or her office as council member shall thereby become vacated.

(Code 1984; C.O. No. 11; Code 2003)

1-203.       **VACANCIES.** All vacancies shall be filled by appointment by the remaining members of the governing body at a regular council meeting within thirty (30) days of said vacancy. Such appointment shall be for the period from and after the date of appointment and until the date of the next April city election. On such date, the unexpired term shall be filled by election.

(C.O. No. 5A; C.O. No. 11; Code 2003)

1-204.       **FILING DEADLINE.** Filing deadline for all city elections shall be 12:00 noon of the Tuesday preceding by ten (10) weeks the first Tuesday in April.

(K.S.A. 25-2109)

- 1-205. WITHDRAWAL OF CANDIDACY. No candidate shall be permitted to withdraw his or her candidacy after the filing deadline.  
(K.S.A. 25-2106)
- 1-206. FILING FEE. A filing fee, as set out in section 17-331, of \$10.00 is required for all candidates filing for city elections; or in lieu of a filing fee, by a petition signed by fifty (50) qualified electors of the city or by a number of such qualified electors of the city equal to not less than one percent (1%) of the ballots cast and counted at the last general city election, whichever is less.  
(K.S.A. 25-2110; K.S.A. 25-2110(a); Code 2003)
- 1-207. ELECTION; WHO CONDUCTS. City elections shall be conducted by the Sedgwick County Election Commissioner.  
(K.S.A. 25-2110; K.S.A. 25-2110(a); Code 2003)
- 1-208. NON-PARTISAN ELECTIONS. City elections shall be non-partisan. Laws applicable to the elections occurring at the same time as city elections shall apply to city elections to the extent that the same are not in conflict with the provisions of this article.  
(Code 1984)
- 1-209. ELECTION TIE. Whenever there shall be a tie in the election of councilmembers, the winner shall be determined by lot by the judges of the election of the ward in which it shall happen.  
(C.O. No. 5A; C.O. No. 11; Code 2003)
- 1-210. WARDS. (a) The governing body of the city pursuant to the authority granted to it under K.S.A. 14-103, hereby designates the following wards for the city.  
Ward I – Ward I shall encompass the quadrant of the city that is north of the center of Grand Avenue (71<sup>st</sup> Street South) extending north to the city limits and west of the center of North Main Street (Seneca), (including Campus High School) extending to the western edge of the city limits.  
Ward II – Ward II shall encompass the quadrant of the city that is north of the center of Grand Avenue (71<sup>st</sup> Street South) extending north to the northernmost city limits, and east of the center of North Main Street (Seneca), (including the Suncrest Addition) extending to the easternmost edge of the city limits.  
Ward III – Ward III shall encompass the quadrant of the city that is south of the center of Grand Avenue (71<sup>st</sup> Street South) extending to the southernmost city limits and east of the center of German Avenue to the easternmost edge of the city limits.  
Ward IV – Ward IV shall encompass the quadrant of the city that is south of the center of Grand Avenue (71<sup>st</sup> Street South) extending to the southernmost city limits and west of the center of German Avenue to the westernmost edge of the city limits.  
(K.S.A. 14-103; Ord. 510; Code 2003)

**ARTICLE 3.  
GOVERNING BODY**

- 1-301.       **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.  
(K.S.A. 12-104; Code 1971; Sec. 1-102; C.O. No. 2, 5A; Code 2003)
- 1-302.       **POWERS GENERALLY.** All powers conferred upon cities of the second class by the constitution and laws of the state of Kansas shall be exercised by the governing body subject to such limitations as may be prescribed by law that are uniformly applicable to all cities. All executive and administrative authority shall be vested in the mayor and council of the city as the governing body of the city.  
(K.S.A. 12-103; Kansas Constitution, Article 12, Section 5; Code 1971; Sec. 1-103; Code 2003)
- 1-303.       **ORDINANCE POWERS.** The governing body shall have the care, management and control of the city and its finances and shall have the power to enact, ordain, alter, modify, or repeal any and all ordinances. The governing body shall ordain such ordinances in conformity with Article 12, Section 5 of the Kansas Constitution, and this article.  
(Code 1971; Sec. 1-104)
- 1-304.       **MEETINGS.** The governing body shall have regular meetings on the second and fourth Monday of each month at 7:00 p.m. and additional meetings at any time of the year at any other time deemed proper. When the date fixed for a regular meeting shall fall on any legal holiday, or a day observed as a holiday in the city, the regular meeting shall convene on the next regular or business day thereafter that is not observed as a legal holiday, or as ordered by the governing body at any previous meeting, regular or special.  
(Ord. 357)
- 1-305.       **SPECIAL MEETINGS.** Any special meeting may be called by the mayor on written request of not less than three (3) members of the council addressed to the mayor, specifying the object and purpose of the meeting, which request must be read at the meeting and entered at length on the journal. The call of the mayor for any such meeting shall be issued in such manner as may be required by the rules of the council. Attendance by any member of the governing body at a special meeting thereof shall constitute a waiver of any right or privilege such member may have to challenge any purported or actual non-compliance with the provisions of this section, unless such appearance is limited solely to express formal objection to the call.  
(Ord. 1971; Sec. 1-106; Code 1984; Code 2003)
- 1-306.       **MAYOR; POWERS AND DUTIES.** The mayor shall preside at all meetings of the city council, and shall have a vote when the council is equally divided and as may otherwise be provided by law and shall have the superintending control of all the

officers and affairs of the city, and shall take care that the ordinances of the city and all applicable laws are complied with.

(C.O. No. 8; K.S.A. 14-301; Code 2003)

- 1-307.       MAYOR; SALARY. A salary in the amount of \$750.00 per month is hereby established for the mayor of the city. The mayor's salary shall be payable the first day of each calendar month. Salary pursuant to section 17-351 of this code.  
(Ord. 560; Ord. 603; Code 1984; Code 2003; Code 2007)
- 1-308.       COUNCILMEMBERS; SALARY. A salary in the amount of \$100.00 per month is hereby established for members of the city council. The councilmembers' salary shall be payable the first day of each calendar month. Pursuant to section 17-318.  
(Ord. 564; Code 1984; Code 2003; Code 2007)
- 1-309.       PRESIDENT OF COUNCIL. The council shall elect from its membership a president of the council. The president of the council shall preside in the absence of the mayor and when any vacancy shall occur in the office of the mayor by death, resignation, removal from office, refusal to qualify, or otherwise, the president of the council shall become mayor until the next regular city election and a vacancy shall occur in the office of the councilmember becoming mayor. Thereupon, the council shall elect from its membership a new president of the council.  
(Code 1971, Sec. 1-108; C.O. No. 11; Code 2003)
- 1-310.       ORDINANCES: CONSIDERATION; PASSAGE. All ordinances of the city shall be considered at a public meeting of the governing body, except as otherwise provided by law. The vote on any ordinance shall be by "yeas" and "nays" which shall be entered on the journal by the city clerk. No ordinance shall be valid unless a majority of all members elect of the city council shall vote in favor thereof: PROVIDED, that where the number of favorable votes is one (1) less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.  
(K.S.A. 12-3001: 3002; Code 1971, Sec. 1-109)
- 1-311.       ORDINANCES: APPROVAL; VETO; PASSAGE OVER VETO. The mayor shall have the power to sign or veto any ordinance passed by the council: PROVIDED, that on those ordinances in which the mayor casts the deciding vote and appropriation ordinances, he or she shall have no veto and he or she shall sign such ordinance if he or she is present at the meeting and if the mayor refuses or neglects to sign or is not present at the meeting, they shall take effect without the mayor's signature. Any ordinance vetoed by the mayor may be passed over the veto by a vote of  $\frac{3}{4}$  of the whole number of councilmembers elect notwithstanding the veto: PROVIDED FURTHER, that if the mayor does not sign his or her approval of the ordinance or return the same with his or her veto stating his or her objection in writing on or before the next regular meeting of the council, the ordinance shall take effect without the mayor's signature, such fact to be endorsed in the ordinance book: PROVIDED FURTHER, that the president of the council or acting president of the council shall have no power to sign or veto any ordinance.

(K.S.A. 12-3003; Code 1971; Section 1-110; Code 2003)

- 1-312.       **ORDINANCES: STATEMENT AFTER LAST SECTION.** After the last section of each ordinance there shall be a statement substantially as follows: “Passed by the council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.” followed by “(Approved) (Signed) by the mayor” with the signature of the mayor; or “Passed over the mayor’s veto.” or “The mayor not having approved the ordinance on or before the next regular meeting, took effect without the mayor’s signature”; or in the case of appropriation ordinances where the mayor refuses or neglects to sign or is absent from the meeting, an appropriate statement. The city clerk shall attest the signature and affix the seal of the city thereto.

(K.S.A. 12-3003; Code 1971; Sec. 1-111; Code 2003)

- 1-313.       **ORDINANCES: SUBJECT; TITLE; AMENDMENTS; ORDAINING CLAUSE.** No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the amending ordinance shall contain the entire section or sections as amended and the section or sections amended shall be repealed. The style of the ordaining clause of all ordinances shall be “Be it Ordained by the Governing Body of the City of Haysville.”

(K.S.A. 12-3004; 3005; Code 1971; Sec. 1-112)

- 1-314.       **RULES AND ORDER OF BUSINESS.** The following rules shall be and the same are hereby established for the mayor and councilmembers of this city.

Rule 1.       Once called to order by the chairperson, being the mayor, and in his or her absence, by the president of the governing body, and in the absence of both, by the clerk, the clerk shall call roll, 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 according to the written agenda.

Rule 2.       The chairperson shall preserve order and decorum and shall decide questions of order subject to an appeal to the governing body.

Rule 3.       Every member previous to his or her speaking shall address himself or herself to the chairperson and shall not proceed until he or she has been recognized by the chair. He or she shall indulge in no personalities and confine his or her remarks to the matter under debate.

Rule 4.       Every motion made and seconded and after discussion of the motion and prior to voting on the motion, the motion will be stated by the chairperson or by the clerk, and may be withdrawn before decision or amendment, or any disposition has been made, or a vote thereon had.

Rule 5.       All resolutions must be in writing.

Rule 6.       When a question is put before the chairperson, every member present shall vote unless a conflict exists with any one (1) or more members. Upon the final passage of all ordinances, yeas and nays shall be recorded in the minutes.

Rule 7.       All committees shall be appointed by the chairperson, unless expressly ordered otherwise by the governing body.

Rule 8. The standing committees shall consist of not more than two (2) members appointed annually by the mayor, and the first person named on the committee shall be chairperson thereof.

Rule 9. It shall be the duty of the committees to act promptly and faithfully in all matters referred to them, and to make their report at the next meeting of the governing body.

Rule 10. Upon introduction of an ordinance by the city staff and reasonable discussion thereof, amendments made, if any, the question shall be "Shall the ordinance pass?" PROVIDED FURTHER, that upon a request of one (1) or more councilmembers present, the entire ordinance shall be read publicly by the clerk before the vote on the passage of the ordinance is taken.

Rule 11. After an ordinance shall have passed, such ordinance shall be signed by the mayor, or in his or her absence, by the president of council, and deposited with the clerk who shall file and record the same and secure its publication as required by law.

Rule 12. When an ordinance shall be returned by the mayor to the governing body with his or her objections thereto, the objections shall be entered at large upon the journal, and the governing body shall proceed to reconsider the ordinance, upon which reconsideration, the question shall be: "Shall the ordinance pass, the mayor's objections thereto notwithstanding?" If  $\frac{3}{4}$  of the whole governing body shall vote for the ordinance, it shall be endorsed by the president as having passed by the governing body over the mayor's veto, and should the mayor neglect or refuse to sign any ordinance and return the same with his or her objections in writing at the next regular council meeting of the governing body, the same shall become a law without the mayor's signature.

Rule 13. A motion to adjourn for executive session shall be seconded, state those to be included, and state the time not to exceed. All remarks and proceedings in executive sessions shall be kept in strict confidence among participants of the session except as announced by the mayor in open council.

Rule 14. The chief of police, or his or her designee, shall attend all the meetings of the governing body and preserve order in the room.

Rule 15. It shall require a majority of the members elect to confirm any nominations made by the mayor, but when the governing body is evenly divided, the mayor shall cast the deciding vote.

Rule 16. In all points not covered by these rules, the governing body shall be governed in its procedure by Robert's Rules of Order.

(Code 1971; Sec. 1-113; Ord. 386; Ord. 531; Ord. 746; Code 2003)

1-315. MOTIONS, RESOLUTIONS; PASSAGE. 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 council. A majority of the councilmembers elect shall constitute a quorum.

(Code 1971; Sec. 1-114; Code 2003)

**ARTICLE 4.**  
**ADMINISTRATIVE OFFICERS**

- 1-401.       **OFFICERS, APPOINTMENT.** The mayor shall appoint, by and with the consent of council, a municipal judge of the municipal court, a chief of police, director of governmental services, city clerk/treasurer, public works director, city attorney, recreation director and may appoint police officers and such other officers as the mayor may deem necessary. Officers so appointed and confirmed shall hold their offices for a term of one (1) year, provided their work has met the standards and requirements so designated by the mayor and until their successors are appointed and qualified. The city council may, by ordinance, abolish any office created by them whenever they may deem it expedient except those specifically named herein.  
              (C.O. 8A, Sec. 11; C.O. No. 11; Code 2003; C.O. 11-A; C.O. 20A; Code 2008)
- 1-402.       **OFFICERS, QUALIFICATIONS.** Except where otherwise specifically required or permitted by ordinance, all elected officers shall be qualified electors of the city. All officers appointed by the mayor to serve after July 12, 2004, shall live within a fifteen (15) mile radius of the Haysville city building within one hundred eighty days (180) days of appointment except that the mayor may appoint as city engineer, municipal judge, city attorney and law enforcement officers individuals who reside outside of the fifteen (15) mile radius when deemed necessary, including the appointment of such individuals who also serve as municipal judge or law enforcement officers of another municipality or public agency. Any officer appointed to serve after July 12, 2004, who was an appointed officer of the city for successive previous terms or who was employed by the city of Haysville prior to the passage of this section and thereafter was appointed who did not, prior to July 12, 2004, reside within the fifteen (15) mile radius of the Haysville city building, shall be exempt from the residency requirement as set forth in this section. Failure to comply with this ordinance may subject an employee to discipline, up to and including termination for cause.  
              (C.O. No. 11; Code 2003; C.O. 11-A)
- 1-403.       **SAME; ORDERS AND REPORTS.** The mayor shall have the power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers, and to make report to the governing body in writing touching any subject or matter he or she may require pertaining to his or her office.  
              (C.O. 8; Code 2003)
- 1-404.       **SERVICE CHARGE, INSUFFICIENT FUND CHECKS.** A service charge as set out in section 17-345 shall attach to the collection of “insufficient fund,” “account closed,” “stop payment,” checks given to the city for payment of any services, goods, merchandise or otherwise.  
              (Code 1971, Sec. 1-204; Ord. 221-A; Ord. 608; Code 2003, Code 2004)

- 1-405. UNCLAIMED CHECKS. The city clerk may void an unclaimed check other than a certified check whenever such check remains unclaimed or uncashed more than six (6) months following its date of issuance by the city.  
(Code 1984; Code 2003)
- 1-406. CITY TREASURER: DUTIES OF OFFICE. The city treasurer for the city shall have the following duties:
- (a) Receive and safely keep all moneys belonging to the city coming to him or her by virtue of his or her office, giving his or her receipt therefore. For all moneys received by him or her from any other source than the city clerk, he or she shall give duplicate receipts causing one (1) of them to be filed with the city clerk, and shall keep a copy thereof in his or her own office;
  - (b) Keep proper records and accounts of all moneys received and disbursed by him or her from any source and funds in behalf of the city specifying the time of receipt and disbursements, 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 K.S.A. 12-1608;
  - (d) Deposit all funds of the city coming into his or her hands in his or 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 the treasurer's name and in his or her official title as treasurer of the city; and
  - (e) Pay out funds of the city upon warrants (or warrant checks) properly signed by the mayor, attested by the city clerk and countersigned by the city treasurer. He or she shall cancel all warrants as soon as paid, and in canceling paid warrants, shall write across the face of such warrant the work "Paid" in red ink and sign the same. In case a combination warrant check is used and such warrant is stamped by a depository bank of the city, the endorsement of the treasurer shall not be required.  
(K.S.A. 9-1401; 1403, 10-801:809, 10-1118, 12-1608; K.S.A. 9-1402; Code 1971, Sec. 1-205; Code 2003)
- 1-407. MUNICIPAL JUDGE; DUTIES. It shall be the duty of the municipal judge to hear matters pertaining to the conduct of his or her office pursuant to the laws of the state of Kansas. The municipal judge shall be paid a sum to be established by ordinance of the city.  
(Ord. 260; Code 2003)
- 1-408. APPOINTIVE OFFICERS; GENERAL DUTIES. The foregoing provisions of this article shall not be construed to limit the duties of the city officers therein named and they shall have additional duties as may be required by the governing body for the general operation and maintenance of the city water and sewage plants, maintenance of city streets, alleys and public grounds. 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 the state of

Kansas applicable uniformly to all cities. The same person may be appointed to any one (1) or more appointive offices, except the same person shall not be appointed to incompatible offices.

(Code 1971, Sec. 1-212)

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

1-501. **OFFICERS' OATH.** All officers 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 that I will support the Constitution of the United States and the laws of the State of Kansas, and the laws and ordinances of the City of Haysville, Kansas and the rules and regulations of the \_\_\_\_\_ Department and will well and faithfully discharge the duties of the office of \_\_\_\_\_ to the best of my ability. So help me God.

(K.S.A. 25-2120, 54-106; Code 1971, Sec. 1-301; Code 2003)

1-502. **OATHS FILED.** All officers and employees required by section 1-501 to take and subscribe or sign an oath or affirmation shall be supplied the forms for such purpose at the expense of the city and upon taking and subscribing or signing any such oath or affirmation, the oath or affirmation shall be filed by the city clerk.

(Code 1971, Sec. 1-302)

1-503. **BONDS REQUIRED.** City department heads and any employee responsible for handling money or city property or equipment shall each, before entering upon the duties of office, give a good and sufficient surety company bond or personal bond to the city, which shall be approved by the governing body

(Code 1971, Sec. 1-303; Code 1984; Code 2003)

1-504. **CONDITION OF BONDS.** The bonds required in section 1-503 shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and the ordinances of the city, and for the application and payment over to the proper persons of all moneys or property coming into the hands of each such officer or employee by virtue of his or her office.

(Code 1971, Sec. 1-304; Code 2003)

1-505. **APPROVAL OF BONDS.** All bonds given to the city shall be approved as to their form by the city's legal counsel and as to surety and sufficiency by the governing body, unless otherwise provided by the laws of the state of Kansas.

(Code 1971, Sec. 1-305; Code 2003)

**ARTICLE 6.**  
**BOARDS AND COMMITTEES**

1-601. CITY PARKS BOARD. (a) The City Parks Board as provided and authorized by the terms and provisions of K.S.A. 14-537 shall be composed of five (5) members, one (1) of whom shall be the mayor or councilmember appointed by the mayor and shall serve as ex-officio chairperson of such board; and the other four (4) members shall be resident taxpayers of the city who shall be appointed by the mayor with the consent and approval of the councilmembers of the city.

(b) No member of the city parks board shall be related by blood or marriage to the mayor, to any member of the council or to any officer of the city government. The members of the board shall serve without compensation.

(c) The first term of the members of the city parks board first appointed shall expire at the expiration of the term of the mayor who appoints such board and the term of the office thereafter shall be for two (2) years unless sooner removed by the mayor.

(d) In the event of death, resignation or other disqualification of any members of the city parks board, his or her successor shall be appointed by the mayor by and with the consent and approval of the councilmembers of the city and such appointment shall be for the unexpired term only. The members of the city parks board may be removed from office in the same manner as are other appointive officers.

(e) The city parks board shall make such rules and regulations as it deems necessary for the conduct of its business and shall keep records of its business. The board is hereby expressly granted all authority that may properly be delegated to the board by this city in regard to city parks.

(f) The city parks board shall make an annual report of all its proceedings and of the condition of the parks of this city to the governing body during the month of January each year.

(Code 1971, Sec. 1-401; K.S.A. 14-537; K.S.A. 12-1301 to K.S.A. 12-1306; Code 2003)

1-602. LIBRARY BOARD. (a) There is hereby created a city library board which shall be composed of seven (7) members as provided and authorized by the terms and provisions of K.S.A. 12-1222 who shall be residents of the city.

(b) Vacancies occasioned by removal from the city, resignation, or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two (2) consecutive four (4) year terms to the board shall be eligible for further appointment to such board until two (2) years after the expiration of the second term. Members shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

(Code 1984, K.S.A. 12-2222; Code 2003)

1-603. SENIOR CITIZEN ADVISORY BOARD. The governing body deems it necessary, for the quality of life of the senior citizens of the city, to establish a board which shall be known as the Haysville Senior Citizens Advisory Board. This board shall consist of nine (9) members who shall hold their office for an indefinite period of time.

(a) The mayor shall appoint members of the board as follows:

(1) One (1) member shall be appointed from the governing body;

(2) One (1) member shall be appointed from the Haysville Ministerial Alliance;

(3) One (1) member shall be appointed from the business community within the city;

(4) Six (6) members shall be appointed at large from the community, three (3) of whom shall be citizens 55 years of age or older, and one (1) shall be an employee of U.S.D. 261. All appointments shall be subject to the approval of the governing body.

(b) The duties and responsibilities of the board shall be to:

(1) Make recommendations to the governing body concerning the affairs of the senior citizens center;

(2) Report to the governing body from time to time concerning the quality of life of the senior citizens within the city; and

(3) Make recommendations to the governing body on issues relating to the health, safety and welfare of senior citizens.

(Ord. 546; Code 2003)

1-604. TREE BOARD. (a) The Tree Board for the city shall consist of seven (7) members, citizens and residents of the city, who shall be appointed by the mayor with the approval of city council.

(b) The term of the seven (7) persons shall be three (3) years.

(c) In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

(d) Members of the tree board shall serve without compensation.

(e) It shall be the responsibility of the tree board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, replacement, maintenance, and removal or disposition of trees and shrubs in the parks, along streets and in other public areas. Such plan will be presented annually to the governing body, and upon their acceptance and approval, shall constitute the official comprehensive tree plan for the city.

(f) The tree board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings.

(g) A majority of the members shall be a quorum for the transaction of business.

(Ord. 754; Code 2003)

1-605. HISTORIC DISTRICT COMMITTEE. See the Haysville Zoning and Subdivision Regulations.

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

1-701. INVESTMENT OF IDLE FUNDS. Temporarily idle moneys of the city, not currently needed may, in accordance with the procedure hereafter described be invested in:

(a) Temporary notes of the city or no-fund warrants issued by the city;

(b) Time deposits, open accounts or certificates of deposit with maturities of not more than two (2) years: savings and loan associations which have main or branch offices located in the city. If no main or branch office of a bank, savings and loan association or savings bank is located in the city, then in banks, savings and loan associations and savings banks, which have main or branch offices in Sedgwick County.

(c) Repurchase agreements with banks, savings and loan associations and savings banks, which have main or branch offices located in the city, for direct obligations of, or obligations that are insured as to principal and interest by the United States government or any agency thereof. If no main or branch office of a bank, savings and loan association or savings bank is located in the city or if no such bank, savings and loan association or savings bank having a main or branch office located in the city is willing to enter into such an agreement at an interest rate equal to or greater than the investment rate as defined in subsection (g) of K.S.A. 12-1675a, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in Sedgwick County or; if no bank, savings and loan association or savings bank, having main or branch office in Sedgwick County is willing to enter into such an agreement with the city at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, then the repurchase agreements may be entered into with banks, savings and loan associations or savings bank.

(d) United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding two (2) years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-1254, and amendments thereto;

(K.S.A. 12-1675, 1675(a); Code 1984; Code 2003)

1-702. PROCEDURE AND RESTRICTIONS. The finance director shall periodically report to the governing body as to the amount of moneys 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 finance director 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.

(Code 1971, Sec. 1-502; Code 1984; Code 2003)

- 1-703. CUSTODY AND SAFEKEEPING. Securities purchased pursuant to this article shall be under the joint care of the city clerk, finance director and city treasurer 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, or in the city vault. Securities in original or receipt form held in the custody of a bank or trust company, or in the city vault, 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 or supervision of at least two (2) such officers, who have access joint control of said safety deposit box, or in the city vault.

(Code 1971, Sec. 1-503; Code 1984; Code 2003)

- 1-704. SALE OR TRANSFER. If, in order to maintain sufficient moneys on demand deposit in any fund, as provided in section 1-702, it becomes necessary to transfer or sell any securities of such funds, any two (2) or more of the officers specified in section 1-703 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 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 in the next monthly financial report.

(Code 1971, Sec. 1-504; Code 1984; Code 2003)

- 1-705. EARNINGS AND RECORDS. The interest or other earnings from investments made pursuant to this article shall be credited pro rata to the fund or funds unless otherwise specified in bond indentures or statutory requirements from which the investments were made and shall be used, insofar as possible, to relieve the said valorem tax levies of the city. The finance director shall maintain a complete and detailed record at all times of all investments made pursuant to this article.

(Code 1971, Sec. 1-505; Code 1984; Code 2003)

- 1-706. RATIFICATION. Ratification of prior investments made by the city of idle funds prior to the date of passage of this code shall be controlled by the terms of this article and the finance director shall forthwith, upon the adoption of this code, provide in writing to the governing body a current status of such invested funds.

(Code 1971, Sec. 1-506; Code 1984; Code 2003)

**ARTICLE 8.**  
**OPEN PUBLIC RECORDS**

- 1-801.        **STATEMENT OF PURPOSE REVIEW.** It is the purpose of this article to establish reasonable fees and charges for the provisions of access to or copies of open public records in the possession of the city to avoid the necessity of using general public funds of the city to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the governing body such changes as may be necessary to secure this purpose. Fees may be changed by vote of the governing body.  
                  (Ord. 792; Code 2003)
- 1-802.        **INSPECTION FEE.** A reasonable charge, as set out in section 17-368, may be assessed for the inspection of public records and may be determined by the time involved in producing the records. Charges may be based on the salary, plus benefits, of the employee who provides access to the records.  
                  (Ord. 792)
- 1-803.        **COPYING FEE.** (a) A reasonable fee per page, as set out in section 17-368, may be charged for photocopying records in addition to the hourly rate plus benefits of the employee making the copies.  
                  (b) For copying cassette tapes, video tapes or compact discs, or any other media readily available to the city, the requester may be charged for all materials used plus staff time required to reproduce the public record.  
                  (Ord. 792)
- 1-804.        **PREPAYMENT OF FEES.** A record custodian may demand pre-payment of the fees for producing/reproducing public records.  
                  (Ord. 792)
- 1-805.        **PAYMENT.** All fees charged under this article shall be paid to the city.  
                  (Ord. 792; Code 2003)

**ARTICLE 9.**  
**INSURANCE PROCEEDS**

- 1-901.        **CITY'S AUTHORIZATION.** The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., and amendments thereto, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or

other structure under all policies is in excess of seventy-five percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

(Ord. 804, Code 2003)

- 1-902.        CREATING A LIEN; CITY'S FAVOR. The governing body of the city hereby creates a lien in favor of the city on the proceeds of any policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for all the loss or damage to the building or structure under all policies is in excess of seventy-five percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy or any other charge imposed upon real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that is remained undischarged for at least one (1) year prior to the filing of a proof of loss.

(Ord. 804; Code 2003)

- 1-903.        TRANSFER OF PROCEEDS. (a) Prior to final settlement on any claim covered by section 1-902, the insurer or insurers shall contact the county treasurer, Sedgwick County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Sedgwick County, Kansas.

(b) Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

(Ord. 804; Code 2003)

- 1-904.        FINAL SETTLEMENT. (a) When final settlement on any claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds seventy-five percent of the face value of the policy covering any building or other structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city in an amount equal to the sum of fifteen percent (15%) of the covered claim payment, unless the public works director or his/her designee has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or

structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the director of finance shall contact the named insured or insureds, by required mail, notify them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

(Ord. 804; Code 2003)

1-905. FIRE INSURANCE PROCEEDS FUND. The director of finance is authorized and shall create a fund to be known as the “fire insurance proceeds fund.” All moneys received by the director of finance as provided by this article shall be placed in said fund and deposited in an interest-bearing account.

(Ord. 804; Code 2003)

1-906. RECEIPT OF MONEY. (a) Upon receipt of moneys as provided by this article, the director of finance shall immediately notify the public works director or his/her designee of said receipt, and transmit all documentation received from the insurance company or companies to him or her.

(b) Within twenty (20) days of the receipt of said moneys, the public works director or his/her designee shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et. seq., and amendments thereto.

(c) Prior to the expiration of the twenty (20) days established by subsection (b) of this section, the public works director or his/her designee shall notify the director of finance whether he or she intends to initiate proceedings under K.S.A. 12-1750 et. seq., and amendments thereto.

(d) If the public works director or his/her designee has determined that proceeds under K.S.A. 12-750 et seq. and amendments thereto, shall be initiated, he or she will do so immediately but not later than thirty (30) days after the receipt of the moneys by the director of finance.

(e) Upon notification of the director of finance by the public works director or his/her designee that no proceedings shall be initiated under K.S.A. 12-1750 et. seq., and amendments thereto, the director of finance shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communications from the insurance company or companies. Such return shall be accompanied within thirty (30) days of the receipt of the moneys from the insurance company or companies.

(Ord 804; Code 2003)

1-907. MONEY IN EXCESS. If the public works director or his/her designee has proceeded under the provisions of K.S.A. 12-1750 et seq., and amendments thereto, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

(Ord. 804; Code 2003)

1-908.           NECESSARY TO ACT UNDER THE PROVISIONS OF THIS ARTICLE. If the public works director or his/her designee, with regard to a building or other structure damaged by fire, explosion or windstorm, determines that it is necessary to act under K.S.A. 12-1756 and amendments thereto, any proceeds received by the director of finance under the authority of section 1-904(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756, and amendments thereto. The public works director or his/her designee shall be responsible for notifying the director of finance of the amount of these expenses incurred by the city. Upon reimbursement from the insurance proceeds, the director of finance shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the director of finance under section 1-904(a), he or she shall publish a new lien as authorized by K.S.A. 12-1756, and amendments thereto, in an amount equal to such excess expenses incurred.  
(Ord. 804; Code 2003)

1-909.           EXCEPTIONS. This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under his or her insurance policy.  
(Ord. 804; Code 2003)

1-910.           INSURERS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY. Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.  
(Ord. 804; Code 2003)