Chapter 2

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ARTICLE I. IN GENERAL

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ARTICLE II. BOARD OF COMMISSIONERS

Sec. 2-19. Composition; election of commissioners.

The board of commissioners shall consist of the number of commissioners provided by statute and shall be elected as provided by law.
(Code 1965, § 1-101; Code 1977, § 2-16)

State law reference—Election and tenure of commissioners, K.S.A. 12-1004.

Sec. 2-20. Distinction in title or duties among commissioners.

No distinction shall be made in the title or duties among the commissioners, except as the board of commissioners shall organize itself for business.
(Code 1965, § 1-103(a); Code 1977, § 2-17)

State law reference—Similar provisions, K.S.A. 12-1006.

Sec. 2-21. Chairperson of commission as mayor; vice-chairperson of commission as vice-mayor.

(a) The board of commissioners shall choose its chairperson annually. The chairperson shall have the title of mayor during the year of his office, to the end that the city shall have an official head on formal occasions. The mayor shall preside at all meetings of the board of commissioners.

(b) The board of commissioners shall choose its vice-chairperson annually. The vice-chairperson shall have the title of vice-mayor during the year of his office, and shall perform all the duties of mayor in the absence of the mayor.

(c) In the absence of both the mayor and vice-mayor, the remaining commissioners may select one of their number who shall become "acting chairperson of the board of commissioners," and who shall perform all the duties of mayor and vice-mayor during their absence.

(d) In the event of a permanent vacancy in the office of mayor or vice-mayor, whether by resignation or otherwise, the board of commissioners shall choose a mayor or vice-mayor to serve until the next regular mayor/vice-mayor selection date.
(Code 1965, § 1-104; Code 1977, § 2-18; Ord. No. G-99-06, § 1(2-18), 6-23-1999)

State law reference—Similar provisions, K.S.A. 12-1007.

Sec. 2-22. Order of business.

The board of commissioners shall determine its own order of business by resolution.
(Code 1965, § 1-105; Code 1977, § 2-19)

(2) The transaction of all other business of the city for a period not to exceed 90 days from the date the vacancies were created.

(b) Thereafter, the authority of the board of commissioners shall be limited to approving appropriations and other essential city functions until the board consists of at least four members.

(Ord. No. G-99-06, § 1(2-27), 6-23-1999; Ord. No. G-10-05, § 1(2-27), 12-20-2010; Ord. No. G-14-01, § 1(2-27), 2-25-2014)

Sec. 2-28. Powers and duties.

(a) All powers exercised by cities of the first class, or which shall hereafter be conferred upon such cities, shall be exercised by the board of commissioners, insofar as they do not conflict with the provisions of the statutes relating to the city manager form of government.

(b) The board of commissioners shall pass all ordinances needful for the welfare of the city.

(c) The board of commissioners shall provide for such offices as shall be necessary to carry out the provisions of the statutes relating to the city manager plan of government.

(Code 1965, §§ 1-102, 1-107, 1-108; Code 1977, §§ 2-21—2-23)

State law reference—Similar provisions, K.S.A. 12-1002, 12-1010.

Sec. 2-29. Mayor to sign ordinances and contracts.

(a) The mayor shall sign all ordinances passed by the board of commissioners, and shall have the right to vote as a member of said board on all questions which may arise, but the mayor shall have no veto power.

(b) The mayor or, if authorized by the city's applicable purchasing policy, the city manager, shall execute all contracts on behalf of the city, and every contract shall be attested by the city clerk, under the seal of the city, before the city shall be obligated thereunder.

(Ord. No. G-99-06, § 1(2-28—2-30), 6-23-1999; Ord. No. G-13-03, § 1(2-29), 6-25-2013)

Secs. 2-30—2-46. Reserved.

ARTICLE III. CITY OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-47. Compensation of elected officers to be established by ordinance.

The salaries, wages, and other benefits of the elected officers of the city shall be established by ordinance.

(Code 1965, § 1-103(d); Code 1977, § 2-1)

State law reference—Salaries of appointive officers to be established by ordinance, K.S.A. 13-527.

DIVISION 2. OATHS AND BONDS*

Sec. 2-76. Oath of office for officers and employees.

All officers and employees of the city, whether elected or appointed, either under the laws of the state or ordinances of the city, shall, before entering upon the duties of their respective offices, take and subscribe an oath 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 _____. So help me God."

(Code 1965, § 1-401; Code 1977, § 2-155)

State law references—Form of oath to be taken by officers, K.S.A. 54-106; oath required for public officers and employees, K.S.A. 75-4308.

Sec. 2-77. Surety qualifications.

The surety on all bonds required for any city officer or employee shall be a responsible surety company lawfully doing business in the state, and no bond signed and executed by any individual as surety shall be accepted or approved.

(Code 1965, § 1-407; Code 1977, § 2-156)

Sec. 2-78. Approval of bonds.

All bonds given to the city shall be approved as to their form by the city attorney, and as to their sufficiency by the board of commissioners, unless otherwise provided by the laws of the state.

(Code 1965, § 1-408; Code 1977, § 2-157)

Sec. 2-79. City to purchase blanket bond.

The city shall purchase a blanket surety company bond covering all officers, employees and appointees of the city for the faithful discharge and performance of their respective duties.

(Code 1965, § 1-404; Code 1977, § 2-158)

Sec. 2-80. Amount of blanket bond.

The blanket surety company bond required by this article shall be in the amount of $50,000.00 for the city treasurer and $5,000.00 each for the city manager and all other officers and employees of the city.

(Code 1965, § 1-405; Code 1977, § 2-159)

***State law references**—Bonds and warrants, K.S.A. 10-101 et seq.; oaths and affirmations generally, K.S.A. 54-101 et seq.

(d) The city manager shall prepare and submit the annual budget to the board of commissioners, and also keep the city fully advised as to the financial condition and needs of the city.

(e) The city manager may make recommendations to the board of commissioners on all matters concerning the welfare of the city, and shall have a seat, but no vote, in all the public meetings of such board.

(f) The city manager shall perform such other and further duties as may be required by law or ordinance.

(g) The city manager shall establish departments for the efficient administration and operation of the city. The personnel to be employed within each department shall consist of such employees as the city manager may deem necessary to effectively and efficiently carry out the work of each such department.
(Code 1965, § 1-203; Code 1977, § 2-38)

Sec. 2-110. Authority to perform duties of other offices; obligation to fill offices.

(a) The city manager may perform the duties of any officer whose office he is legally qualified to fill and, in such case, the appointment or employment of such officer may be dispensed with at the discretion of the city manager.

(b) The city manager is authorized to act and perform the duties of director or superintendent of any of the departments or divisions established in this chapter for which he is qualified.

(c) The city manager shall be under no obligation to appoint any officer to fill any office when he may deem such appointment unnecessary, unless the laws of the state require the appointment of such officer.
(Code 1965, §§ 1-204, 1-302, 1-321(b); Code 1977, §§ 2-39, 2-58)

Secs. 2-111—2-136. Reserved.

ARTICLE IV. FINANCE

DIVISION 1. GENERALLY

Sec. 2-137. Fee schedule adopted.

There is hereby incorporated by reference a fee schedule for various license, application and other city fees and charges. The fee schedule may be amended from time to time by resolution of the governing body. A copy of the fee schedule shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
(Ord. No. G-11-04, § 1, 11-8-2011)

DIVISION 2. INVESTMENT OF TEMPORARILY IDLE FUNDS

Sec. 2-152. Investments authorized; cash on hand.

(a) Temporarily idle moneys of the city not currently needed may be invested by the city manager and/or director of finance, with authorizing documents countersigned by the city treasurer:

(1) In temporary notes or no-fund warrants issued by the city;

(2) In time deposits, open accounts or certificates of deposit with maturities of not more than two years in commercial banks which have offices located in the city;

(3) In time certificates of deposit with maturities of not more than two years with state or federally chartered savings and loan associations or federally chartered savings banks which have offices located in the city; or if there is no such office located in the city, then with state or federally chartered savings banks in the county;

(4) In repurchase agreements with commercial banks or state or federally chartered savings and loan associations which have 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 as authorized by K.S.A. 12-1675;

(5) In United States treasury bills or notes with maturities as the board of commissioners shall determine, but not exceeding two years, as provided by K.S.A. 12-1675(b)(5);

(6) In the municipal investment pool fund established in K.S.A. 12-1677a;

(7) In the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b;

(8) With trust departments of commercial banks which have offices located in the city or with trust companies which have contracted to provide trust services under the provisions of K.S.A. 9-2107, with commercial banks which have offices located in the county, and the city's idle funds invested under this subsection shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Investments of the city's moneys under this subsection shall be limited to those investments authorized under K.S.A. 12-1677a(b).

(b) The investments authorized in subsections (a)(5) through (7) of this section shall be utilized only if the appropriate eligible banks which have offices located in the city or county cannot or will not make the investments authorized in subsection (a)(2) or (3) of this section available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in K.S.A. 75-4201(1), and amendments thereto.

ARTICLE V. OPEN PUBLIC RECORDS

Sec. 2-179. Statement of purpose; review.

It is the purpose of this article to establish reasonable fees and charges for the provision 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 board of commissioners such changes in this article as may be necessary to secure this purpose.
(Code 1977, § 2-195; Ord. No. G-84-05, § 1, 8-27-1984)

Sec. 2-180. Inspection fee.

(a) Where a request has been made for inspection for any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the person making the request.

(b) In all cases not covered by subsection (a) of this section, a record inspection fee shall be charged in accordance with the city's fee schedule.
(Code 1977, § 2-196; Ord. No. G-84-05, § 2, 8-27-1984)

Sec. 2-181. Copying fee.

(a) A fee shall be charged for photocopying public records in accordance with the city's fee schedule.

(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 1977, § 2-197; Ord. No. G-84-05, § 3, 8-27-1984)

Sec. 2-182. Prepayment of fees.

(a) A record custodian may demand prepayment of the fees established by this article whenever he 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 may be required in accordance with the city's fee schedule.

(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 1977, § 2-198; Ord. No. G-84-05, § 4, 8-27-1984)

shall constitute the recreation commission. The members appointed by the board of commissioners shall be electors of the city. Thereafter, the members of the commission shall be selected in the same manner as the member they are succeeding, and the term of each shall be four years. Whenever a vacancy shall occur in the membership of the commission, a member shall be selected to fill such vacancy in the same manner as and for the unexpired term of the member he is succeeding.
(Code 1965, § 17-103; Code 1977, § 2-237; Ord. No. G-82-25, § 1, 11-24-1982)

State law reference—Similar provisions, K.S.A. 12-1926.

Sec. 2-238. Election of officers; compensation.

The members of the recreation commission shall annually elect one of its members to serve as the presiding officer to be known as the chairperson and one of its members to serve as secretary. Neither the chairperson nor the secretary shall receive any salary or compensation for such services; provided, however, such officers shall be reimbursed for any expenditure made for the benefit of the recreation program.
(Code 1965, § 17-104; Code 1977, § 2-238)

State law reference—Officers of commission, K.S.A. 12-1926.

Sec. 2-239. General powers, duties and responsibilities.

The recreation commission is empowered to administer, in all respects, the business and affairs of the city recreation system or program. The commission shall have such powers, duties and responsibilities as may be provided by ordinance or by the laws of the state.
(Code 1965, § 17-101; Code 1977, § 2-239)

State law reference—Similar provisions, K.S.A. 12-1926.

Sec. 2-240. Duty to inaugurate and supervise recreation program.

The recreation commission shall cause to be inaugurated and conducted a recreation program in the city, and shall have full and complete authority and supervision over such recreation program.
(Code 1965, § 17-102; Code 1977, § 2-240)

Sec. 2-241. Duty to employ director and other personnel; compensation.

The recreation commission shall employ one person who shall be known as the recreation director, who shall be directly responsible to the commission and receive such compensation as may be fixed by the commission. The commission shall employ such other personnel for such compensation or price as the commission shall deem fit and proper.
(Code 1965, § 17-106; Code 1977, § 2-241)

(2) The school district shall pass a resolution authorizing the additional levy. Such resolution shall state the purpose for which the levy is made, and shall be published once in the official city newspaper. Whereupon, the levy may be made without an election, unless a petition in opposition thereto is signed by not less than five percent of the qualified electors of the school district, who voted at the last preceding regular city election, and filed with the city clerk within 30 days after the publication of the resolution.

(3) If a valid petition is signed, it shall be the duty of the school board to submit the question of levying the tax at the next regular city election, or a special election called for that purpose. When the election is held and a majority shall vote in favor of levying the tax, such tax may thereafter be levied. If the majority shall vote against the tax levy, then the levy shall not be made.

(Code 1965, § 17-109; Code 1977, § 2-244)

Sec. 2-244. Disposition of moneys received; responsibility of school district treasurer.

All money received from taxation, gift or otherwise for the use and benefit of the city's recreation program shall be kept by the school district treasurer in a separate fund, known and designated as the recreation fund, and the school district treasurer shall be the ex officio treasurer of such fund.

(Code 1965, § 17-108; Code 1977, § 2-245)

State law reference—Similar provisions, K.S.A. 12-1926.

Sec. 2-245. Claims and disbursements.

All claims or demands of every kind and nature against the moneys of the recreation fund shall be made upon a verified claim voucher. The voucher shall be first presented to the recreation commission and, if approved by the commission, its chairperson, or in his absence or incapacity some other properly designated officer, shall place the approval of the commission thereon and deliver the same to the treasurer. All claims shall be signed by the claimant or on behalf of such claimant by two members of the commission.

(Code 1965, § 17-110; Code 1977, § 2-246)

Secs. 2-246—2-270. Reserved.

DIVISION 3. PUBLIC LIBRARY

Sec. 2-271. Appointment of library board; terms of office; eligibility; vacancies; compensation.

(a) The mayor shall appoint, with the approval of the board of commissioners, a library board for the public library. The library board shall consist of seven members, one for a term expiring the first April 30 following the date of appointment, two for terms expiring the second April 30 following the date of appointment, two for terms expiring the third April 30 following

Sec. 2-274. Corporate status of library board; corporate powers.

The library board shall constitute a body corporate and politic, possessing the usual powers of a corporation for public purposes, under the name and style of "The Board of Directors of Coffeyville Library" and under such name may contract, sue and be sued, and acquire, hold and convey real and personal property, in accordance with law. The acquisition or disposition of real property shall be subject to the approval of the board of commissioners.
(Code 1965, § 13-202; Code 1977, § 2-259)

State law reference—Similar provisions, K.S.A. 12-1223.

Sec. 2-275. General powers and duties of library board.

The library board shall have the following powers and duties:

(1) To make and adopt rules and regulations for the administration of the library;

(2) With the approval of the board of commissioners, to purchase or lease a site and to lease or erect a building for the use of the library;

(3) To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records and other material and equipment deemed necessary by the board for the maintenance and extension of modern library service;

(4) To employ a librarian and such other employees as the board shall deem necessary, and to remove them and to fix their compensation;

(5) To establish and maintain a library or libraries and traveling library service within the city or within any other city with which service contract arrangements have been made;

(6) To contract with other libraries established under the provisions of state law or with the board of commissioners of a city not maintaining a public library for the furnishing of library service to the inhabitants of such city to the extent and upon such terms as may be agreed upon, and to contract with any school board to furnish library service to any school library or to use the library facilities of the public school to supplement the facilities of the public library;

(7) To receive, accept and administer any money appropriated or granted to it by the state or federal government, or any agency thereof, for the purpose of aiding or providing library service;

(8) To receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof;

(9) To make annual reports to the state librarian and the board of commissioners on or before January 31 of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical informa-

(b) On or before July 15 of each year, the board of trustees shall file with the board of commissioners a written report of the management of said hospital, together with a statement of all receipts and expenditures during the year ending June 30.
(Code 1965, § 13-504; Code 1977, § 2-284)

State law reference—Similar provisions, K.S.A. 13-14b11.

Secs. 2-302—2-322. Reserved.

DIVISION 5. CITY PLANNING COMMISSION*

Sec. 2-323. Created.

There is hereby created for the city a city planning commission.
(Code 1965, § 24-101; Code 1977, § 2-306)

State law reference—Authority to establish planning commission, K.S.A. 12-744.

Sec. 2-324. Composition; qualifications of members.

The city planning commission shall consist of seven members. Up to two of the members may, but shall not be required to, reside outside of but within three miles of the corporate city limits. The remaining members shall be residents of the city; provided, however, that if the city enacts ordinances to plan, zone or administer subdivision regulations outside the city limits, at least two members of the planning commission shall reside outside of but within three miles of the corporate limits of the city.
(Code 1965, § 24-102; Code 1977, § 2-307; Ord. No. G-07-02, 1-9-2007)

State law reference—Composition of commission and qualifications of members, K.S.A. 12-744.

Sec. 2-325. Appointment of members.

The members of the city planning commission shall be appointed by a majority vote of the board of commissioners.
(Code 1965, § 24-101; Code 1977, § 2-308)

State law references—Authority to change the number of commission members, K.S.A. 12-744; authority to appoint members, K.S.A. 12-744.

Sec. 2-326. Tenure of office; filling of vacancies.

Members of the city planning commission shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only.
(Code 1965, § 24-103; Code 1977, § 2-309)

State law reference—Similar provisions, K.S.A. 12-744.

***State law reference**—City planning commission, K.S.A. 12-744 et seq.

Sec. 2-348. Membership; appointment; terms.

The park advisory board shall consist of five members to be appointed by the board of commissioners, to serve without compensation, for a term of four years, except two members shall be appointed to serve an initial term of two years. No person who has been appointed for two consecutive four-year terms shall be eligible for further appointment to such board until two years after the expiration of the second term. No more than one member may reside outside of the corporate city limits but must reside within the USD 445 boundaries. All other members shall reside within the city limits. Vacancies occasioned by removal by the board of commissioners, resignation, or otherwise, shall be filled by appointment by the board of commissioners for the unexpired term. All terms shall commence as of January 1 of the year appointed. The members shall elect their own chairperson to serve a one-year term.
(Ord. No. G-15-01, § 1, 7-14-2015)

Sec. 2-349. Meetings.

The park advisory board shall meet at least quarterly, or more frequently as scheduled by the members. The members shall follow the provisions of the state open meetings act, including the right to call executive sessions as provided by state law. The chairperson or a majority of the members may call a special meeting. In convening any meeting, a quorum must be present in order for any business to be conducted. A quorum shall consist of three or more members.
(Ord. No. G-15-01, § 1, 7-14-2015)

Chapter 3

RESERVED