

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 Galena, Kansas," and may be so cited. The Code may also be cited as the "Galena City Code."
(Code 2015)
- 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 Galena, Kansas.
 - (a-1) City council, council – shall mean all members of the governing body, except the mayor;
 - (a-2) City Inspector – shall perform all inspecting duties throughout this Code that are not specifically or impliedly delegated to the code enforcement officer or other officer or employee of the city, and shall be able to perform any duties assigned to a city inspector, building official, electrical inspector, or plumbing inspector, and of inspectors of similar designations;
 - (b) Code - shall mean "The Code of the City of Galena, 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 Cherokee 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 council of the city, or those persons appointed to fill a vacancy in the office of mayor or the city council as provided in this code. The governing body shall consists of a mayor and three members of the council elected at large and four members of the council elected by districts; (K.S.A. 12-10a02)

(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 2015)

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 1988)

- 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 1988)
- 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 1988)
- 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 1988)
- 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 Galena 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 Galena 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 Galena is hereby repealed." (Code 1988)
- 1-108. 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 and as provided in the state open records act and the city policy regarding open public records. (K.S.A. 12-120:121; Code 1988)
- 1-109. 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 Galena 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 1988)
- 1-110. 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 1988)

- 1-111. 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 1988)
- 1-112. 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 1988)
- 1-113. FEE WAIVER. The city council, upon request by a person or entity to the council, may by a unanimous vote of those council members present, waive or reduce any fee provided for in the Code of the City of Galena if the imposition thereof would cause a financial hardship to the party requesting such waiver, or the waiver of such fee would likely result in a financial benefit, directly or indirectly, to the City of Galena, or the waiver of such fee would aid in removing or repairing a hazardous condition or hazardous property. (Ord. 7-4; Code 2015)
- 1-114. MAPS INCORPORATED BY REFERENCE; SAFEKEEPING; PLACE OF STORAGE.
- (a) The City Clerk shall safely keep the following maps at the city clerk's office to be kept there unless the same shall be released to a department head or chairman of the planning commission for a period of no more than 3 days in order for such office head to perform his or her duties: enterprise zone map, zoning map, flood map, and voting district map. Such maps shall be kept on display in the city clerk's office.
 - (b) A copy of the original of every such map referenced in subsection (a) of this section shall be forthwith made and such copy shall be kept separate from the original map so that in the event any original map is lost or destroyed measures may be undertaken to reproduce the original map as a part of an ordinance. In the event of the loss of an original map the reproduction and substitution of the copy of such map is so authorized upon the city council making a finding such copy is a true and accurate representation of the original map and a certified copy of the minutes of such proceeding is attached to such copy.
- (Code 2015)
- 1-115. GRANT INDEX. A master list of all federal and state grants, both applied for and granted, shall be maintained in the office of the city clerk. Such list shall include the following: date of application; date granted; date completed; grant number; authority or agency from which a grant is sought or granted; a brief statement of the purposes of the grant application; amount applied for; amount granted; specific representative of the city primarily responsible for administering the grant; amount granted; and payments received by the city as a result of the grant. (Code 2015)

1-116. CODE BOOK; SECTION CHANGES; INDICATORS THEREOF.

(a) Changes to be indicated in codebook. Amendments to any section of the code book after the initial adoption of this code shall be placed on yellow sheets of paper to be inserted at the end of the relevant article or chapter in which the section was amended until any reproduction of the entire code book is ordained by the governing body. Beside each section in the codebook that is amended or repealed subsequent to the enactment of this Code, the city clerk shall place in the margin of the relevant section, an indication such section was repealed or amended, as is the case, and the ordinance number amending or repealing such section. Whenever a section is added subsequent to the enactment of this code, the city clerk shall place a notation after the section of the codebook preceding the added section, indicating the section number added and the ordinance number adding such section.

(b) Inventory of codebook. All official versions of the codebook shall be supplemented within 20 days after the effective date of the addition, amendment or repeal of any section thereof. The city clerk shall keep a file labeled "2015 Codebook Inventory" bearing an inventory of all official versions of the codebook, number each one 1 through 10, and indicate on an inventory kept in such file the location of each of these 10 codebooks. No Codebook shall leave the city clerk's office unless a receipt therefore is signed by the member of the governing body or department head provided such codebook by the city clerk. The city clerk shall place his or her signature and the date in the inventory when any codebook is returned to the city clerk's custody. (Code 2015)

1-117. RESOLUTIONS BOOK; LISTING OF RESOLUTIONS INCLUDED IN CODE BOOK; GENERAL RESOLUTIONS.

(a) There shall be kept by the city clerk a book that shall contain only the resolutions of the city enacted after January 1, 2015.

(b) Further, resolutions that are of a general nature, that is, resolutions that have general application, rather than limited application to a specific property, person, entity, transaction or event, shall be designated as being general resolutions during or immediately after passage by the governing body.

(c) General resolutions shall be listed and reproduced in a section to this code that shall follow the section containing charter ordinances of the city and shall be entitled, "General Resolutions Listing."

(d) Nothing in this section shall be construed as creating an ordinance from a resolution by reason of the listing or reproduction of a resolution in this code as such listing is done for information and convenience purposes only. (Code 2015)

ARTICLE 2. GOVERNING BODY

- 1-201. GOVERNING BODY. The governing body shall consist of a mayor and three (3) members of the council elected at large and four (4) members of the council elected by districts. (K.S.A. 12-10a02; Code 2015)
- 1-202. SAME; POWERS GENERALLY. The city council shall act as the policymaking body of the city. All powers exercised by cities of the second class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to such limitations as prescribed by law. All executive and administrative authority granted or limited by law shall be vested in the mayor and city council as governing body of the city. (K.S.A. 12-103; Code 2015)
- 1-202A. MODIFIED MAYOR-COUNCIL STATUTES SUPERCEDE CHAPTER 12 AND CHAPTER 14 STATUTORY PROVISIONS THAT ARE IN CONFLICT THEREWITH. In the event of a conflict in the provisions of K.S.A. 12-10a01 through 12-10a09, and any amendments thereto, and any provisions of Chapter 12 or Chapter 14 of the Kansas Statutes Annotated, the provisions of K.S.A. 12-10a01 through 12-10a09, and any amendments thereto, shall control. (Code 2015)
- 1-203. SAME; MEETINGS. (a) Regular meetings of the city council shall occur on the first and third Mondays of each calendar month at 7:00 p.m. in the city council room at the city hall for the purpose of taking under advisement and acting upon such business as may come before the governing body. In the event a regular city council meeting scheduled to occur on the first or third Monday of a calendar month should fall on a holiday recognized by the city, such meeting shall not occur. Instead, the meeting shall be held at 7:00 p.m. on the next day that is not a holiday or weekend day. Any meeting cancelled due to inclement weather or other hazards shall be held on the next day at 7:00 p.m. that is not a holiday, weekend day, or date in which inclement weather or hazards prevent it from occurring.
- (b) Special meetings may be called by the mayor or acting mayor, on the written request of any four members of the council, specifying the object and purpose of such meeting, which request shall be read at a meeting and entered at length on the journal.
- (c) Regular or special meetings of the governing body may be adjourned for the completion of its business at such subsequent time and place as the governing body shall determine in its motion to adjourn. (K.S.A. 14-111; Ord. 14-10; Code 2015)
- 1-204. SAME; QUORUM. In all cases, it shall require a majority of the council-elect to constitute a quorum to do business. (K.S.A. 14-111; Code 2015)
- 1-205. POWERS OF THE MAYOR, ADMINISTRATIVE, CONTRACTS, ENFORCEMENT OF LAWS. The following powers are vested in the mayor:
- (a) The mayor shall be titular head and chief administrative officer of the city;
- (b) The mayor shall preside at all meetings of the council;
- (c) The mayor shall sign all contracts of the city before the city shall be liable thereon;

(d) The mayor shall represent the city governing body at all official city functions, and shall be the official city representative of the governing body at all meetings, conferences and negotiations relating to policy matters involving other governmental units and shall recommend council action relating thereto; and,

(e) The mayor shall be responsible for the administration of all of the affairs of the city, including the enforcement of laws and ordinances and all other administrative functions within the scope or ordinances relating to the management of the city. (Code 2015)

1-205A.

POWERS OF THE MAYOR CONCERNING VOTING, VETO, ABOUT.

(a) The mayor may submit proposals for the consideration of the council, but may not vote on any matter before the council, except as follows:

(1) Charter ordinances, the passage of which requires a vote of not less than two-thirds of the members-elect of the governing body voting in favor thereof (Article 12 of Section 5 of the Kansas Constitution);

(b) The mayor shall sign all ordinances and resolutions passed by the council, except that the mayor shall have the power to veto any ordinance or resolution passed by the council, except a charter ordinance. Within two (2) days of the veto of any ordinance or resolution, the mayor shall give written notice thereof to the council. Any ordinance or resolution vetoed by the mayor may subsequently be passed, notwithstanding such veto, by a vote of five (5) members of the council. If within two (2) weeks after the next regular meeting of the council following the date of notification of a veto the council fails to pass the vetoed ordinance or resolution notwithstanding such veto, such ordinance or resolution shall not take effect. If the mayor has failed to sign or veto such ordinance or resolution within two (2) weeks following the adoption of such ordinance or resolution, the same shall take effect without the signature of the mayor.

(c) Any veto of the mayor shall be in writing, signed by him or her with the date of such signature, specifically stating the ordinance or resolution number that is vetoed, or the same shall not constitute a sufficient veto. Such written veto must be delivered to the city clerk's office or personally to the city clerk or the same shall not be a valid veto. (K.S.A. 12-10a06; Code 2015)

1-206.

PRESIDENT OF THE COUNCIL. (a) Within 30 days after every city general election, the council shall elect one its members as president of the council who, in the absence or disability of, and at the request of the mayor shall become the acting mayor.

(b) The president of the council shall, while acting as mayor, have only those powers immediate and necessary to carry out the duties of the office of mayor, including all administrative, ceremonial and contractual powers, but shall not have the power to veto any measure passed by the council.

(c) The president of the council shall continue to have the regular voting privileges of a councilmember during any meeting in which he presides.

(d) Whenever any position specified under this section is vacated, the position shall be filled within 30 days of such vacation by the city council.

(e) The president of the council does not holdover after the next general city election and must be elected by the council to the position of president of the council by no less than four (4) votes.

(K.S.A. 12-10a02, Code 2015)

- 1-207. ADMINISTRATIVE POWERS. The governing body may designate whether the administration of a policy or the carrying out of any order shall be performed by a committee, an appointive officer, or the mayor. If no administrative authority is designated it shall be vested in the mayor. (Code 2015)
- 1-208. VACANCIES IN GOVERNING BODY; HOW FILLED. (a) Whenever there shall be a vacancy in the office of mayor, the president of the council, upon being qualified, shall become mayor until the next city general election and a mayor has been duly elected for the unexpired term and has qualified or a mayor has been duly elected for a full term and has qualified, as the case may be.
(b) Whenever the president of the council becomes mayor there shall be a vacancy in the council.
(c) A vacancy in the office of council member shall be filled by the council until the next city general election and a member of the council has been duly elected for the unexpired term and has qualified or a member of the council has been duly elected for a full term and has qualified, as the case may be.
(d) Whenever any position specified under this section is vacated, the position shall be filled within 45 days of such vacation by the city council. (K.S.A. 12-10a04; Code 2015)
- 1-209. GOVERNING BODY MEMBERSHIP; RESTRICTIONS.
(a) In the event the city council votes to fill a vacant position on the city council, the person appointed shall not be a person holding a supervisory or employee position within the city.
(b) A person's immediate family is defined as that person's spouse, mother, father, daughter, son, daughter-in-law, son-in-law, mother-in-law, father-in-law, brother, sister, brother-in-law, and sister-in-law.
(c) Supervisory positions are defined as city clerk, municipal judge, police chief, fire chief, city attorney, city superintendent, and any police officer above the rank of patrolman.
(d) The foregoing definitions apply only to section 1-209 herein and for no other purposes. (Ord. 94-17, Sec.1:5; Code 1998)
- 1-210. COMPENSATION. The council shall fix by ordinance the compensation of the mayor and members of the council. The compensation of the mayor and members of the council shall be \$0.00 per month. (K.S.A. 12-10a05; Code 2015)
- 1-211. EXPENSES. Each member of the governing body shall receive for his or her services and as reimbursement for his or her expenses, compensation as follows:
(a) Mileage at the same rate as is established by law by the state of Kansas for state employees for each mile traveled by the shortest route upon the performance of duties assigned by the mayor and/or council.
(b) Reimbursement for actual food and lodging expenses upon the performance of duties assigned by the mayor and/or council, provided such expenses shall be documented by proper receipts. (Code 2015)
- 1-212. ORDINANCES; CONSIDERATION, PASSAGE. (a) All regular and charter 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 regular ordinance

shall be by "yeas" and "nays" which shall be entered on the journal by the city clerk. The vote on any charter ordinance shall be by roll call vote which shall be entered on the journal by the city clerk. No regular ordinance shall be valid unless a majority of all members elect of the city council shall vote in favor thereof. An abstention from voting shall not be considered as a vote in favor or against the passage of such ordinance. No charter ordinance shall be valid unless a majority of all members elect of the entire governing body, including the mayor, shall vote in favor thereof and all other laws of the state of Kansas pertaining to the passage of charter ordinances, are followed;

(b) Section 1-217 should be referred to for the passage of motions and resolutions. (K.S.A. 12-3001, 3002; Code 2015)

1-212A. ABSTENTIONS FROM VOTING UPON ORDINANCES. An abstention from voting shall not be considered as a vote in favor or against the passage of any regular ordinance or charter ordinance. (Code 2015)

1-213. SAME; STATEMENT AFTER LAST SECTION. (a) After the last section of each ordinance or resolution there shall be a statement substantially as follows: "Passed by the city council this ___ day of _____, 20__."; followed by "Signed by the Mayor" with the signature of the mayor; or, as applicable, in the event an ordinance has been passed, "The Mayor not having signed or vetoed such ordinance within two (2) weeks following the adoption of such ordinance, the same shall take effect without the mayor's signature"; or, in the event a resolution has been passed, "The Mayor not having signed or vetoed such resolution within two (2) weeks following the adoption of such resolution, the same shall take effect without the mayor's signature"; or, in the event of the passage of an appropriation ordinance where the mayor refuses or neglects to sign or is absent from the meeting, an appropriate statement thereof.

(b) The city clerk shall attest the signature and affix the seal of the city to all ordinances and resolutions. (K.S.A. 12-3003; Code 1998)

1-214. SAME; SUBJECT, TITLE, AMENDMENTS, ORDAINING CLAUSE. No ordinance shall contain more than one subject which shall be clearly expressed in its title; and no section or sections of the ordinance shall be amended unless the amending ordinance shall contain the entire section or sections as amended and the section or sections so amended shall thereby be repealed. The style of the ordaining clause of all ordinances shall be: "Be it ordained by the Governing Body of the City of Galena. (K.S.A.12-3004; Code 2015)

1-215. SAME; PUBLICATION. (a) 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.

(b) In lieu of subsection (a), a city may opt to publish a summary of an ordinance so long as:

(1) The publication is identified as a "summary" and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the office of the city clerk;

(2) The city attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient; and

(3) The publication contains the city's official website address where a reproduction of the original ordinance is available for a minimum of one week following the summary publication in the newspaper.

If an ordinance is subject to petition pursuant to state law, then the summary shall contain a statement that the ordinance is subject to petition.

(K.S.A. 12-3007; Code 2015)

1-216 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 2015)

1-217 VOTING REQUIREMENTS FOR RESOLUTIONS AND MOTIONS. Except where a state statute or city ordinance specifically requires otherwise, all motions and resolutions shall be by a majority vote of the members of the council serving on the council. Section 1-212 should be referred to for the passage of ordinances. The passage of ordinances is not governed by this Section 1-217.

(K.S.A. 12-10a02; Code 2015)

1-218. INCORPORATING CODE OF PROCEDURE FOR KANSAS CITIES. There is hereby incorporated by reference for the purpose of establishing a code of procedure for the conduct of city council meetings of the City of Galena, Kansas, that certain code known as the "Code of Procedure for Kansas Cities," Edition of 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Code of Procedure for Kansas Cities shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Galena, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Code 2015)

1-219. 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 council, 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 council.

(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 non-pecuniary 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 2015)

1-220.

GIFTS. In addition to the salary and compensation paid to city employees, the governing body is hereby empowered to provide the city employees with certain gifts, not to exceed \$100.00 per year, per person. Such gifts, if awarded at the discretion of the governing body, shall be provided to all city employees, however, gifts made for retiring employees are not required to be given to any employee except the retiring employee.

(Ord. 83-20; Code 2015)

ARTICLE 3. OFFICERS AND EMPLOYEES

- 1-301. DEPARTMENT HEADS, DEPARTMENTS. (a) The mayor shall appoint all heads of departments, subject to confirmation by the city council, and such department heads shall serve at the pleasure of, and report directly to, the mayor. Department heads shall make regular reports to the mayor and the council and furnish the mayor and council with any information they may require.
- (b) The mayor with the approval of the council, shall establish such departments as deemed necessary for efficient operation of the city, the powers and duties of which shall be prescribed by ordinance.
- (c) The following departments are hereby established: city clerk's office, fire department, police department, municipal court, city attorney, and city superintendent.
- (d) The following departments head positions are hereby established: city clerk, fire chief, police chief, municipal judge, city attorney, and city superintendent.
- (e) The city council, upon a unanimous vote of the members of the council serving on the council, may remove any department head.
(K.S.A. 12-10a07; Code 2015)
- 1-302. CITY CLERK. The duties of the city clerk shall be as follows:
- (a) Keep his or her office in the city building, which office shall be open at such times during business hours in the city as may be fixed by the council;
- (b) Attend all meetings of the council and make and keep a record of all proceedings and meetings of the council in minute form entered in the journal of council proceedings. In the absence of the city clerk from any meeting, an assistant city clerk shall keep an account of the proceedings and to report the same to the city clerk;
- (c) Carry on all the official correspondence of the city, giving the same prompt attention and shall present for the consideration of the governing body at each meeting all correspondence received and replies given by him or her;
- (d) Have charge of the corporate seal of the city and shall affix the same to the official copy of all ordinances, deeds, contracts and similar documents required to be authenticated, and shall be authorized to administer oaths for all purposes pertaining to the business and affairs of the city;
- (e) Be custodian of all the city records, books, papers, contracts, petitions, documents and other personal effects belonging to the city not properly pertaining to any other office and shall keep suitable files and records of the same;
- (f) Receive and audit all claims against the city and shall present them for the consideration of the council at its regular meetings each month. He or she shall draw warrants (or warrants and checks) only when claims against the city have been audited and approved;
- (g) Be prepared to report to the council at its regular meeting each month in regard to the financial condition of the funds of the city so that the governing body may not create debts nor authorize the issuance of warrants in violation of the budget law or cash basis law relating to the duties of city officers;
- (h) Keep a separate account of each fund of the city, whether the funds be derived from taxation or otherwise, no money belonging to one fund shall be placed to the credit of another fund, or be transferred to another fund unless there is lawful authority for the same. Each separate tax levy shall constitute a separate fund, and income derived from other sources shall be credited to the proper fund of the city;

(i) Render such assistance as may be required by the governing body in preparing the annual city budget, any ordinance for the levying of taxes, and shall certify the same to the county clerk, in the form and manner required by law together with a copy of the budget: provided, that a copy of the budget shall be filed with the appropriate state of Kansas agency;

(j) Keep a fully accurate account of all bonds issued by the city, recording them in the book by date, number, amount thereof, rate of interest, number of each coupon, amount of each, to whom payable, where payable and when canceled upon return of the same to the city;

(k) Keep a record of all special assessments made by the city council for any purpose and shall certify the assessments to the county clerk for collection and payment in the manner provided by law;

(l) Act as the withholding agent to the city for the purpose of the federal revenue (income) act as authorized by K.S.A. 75-3042, and any amendments thereto, and shall receive from each officer and employee of the city the withholding certificate required by virtue of the revenue act. He or she shall maintain a suitable record of the sums so withheld from wages and salaries and remit the same to the director of the internal revenue service at such times and in such form as may be required by the regulations;

(m) After an ordinance shall have been passed, the city clerk shall assign to it a number. Appropriation ordinances shall be numbered in a separate series;

(n) Cause all ordinances, except appropriation ordinances, as soon as practicable after they have been passed and signed, to be published once in the official city newspaper, unless a statute requires more publication;

(o) Keep an "ordinance book" in which shall be entered a copy of every ordinance immediately after its publication, or in the case of appropriation ordinances, immediately after passage; provided, that if the ordinance book be a loose-leaf book, the original ordinance typed on paper designed for the purpose may be inserted therein. Appropriation ordinances may be entered in a separate ordinance book;

(p) Append at the end of each ordinance entered in the ordinance book a certificate substantially as follows: "I hereby certify that the foregoing is a true and correct copy of the original ordinance; that the ordinance was passed on the ___ day of _____, 20__; that the record of the final vote on its passage is found on page __ of Journal ____; that it was published in the (name of the newspaper) on the ___ day of _____, 20__;"

(q) Receive from the court clerk, such funds as are required to be credited to the funds of the police department training fund, the police department DUI fund, the city attorney training fund, and the city attorney DUI fund with the remainder to the general fund;

(r) Register the qualified electors of the precincts and wards of the city as prescribed by law, and he or she shall prepare and keep such poll books and records, administer oaths, issue the necessary certificates, registration lists and notices as may be required. He or she shall perform all duties incident upon his or her office as may be directed by the governing body and required by law relative to any general or special city election or a primary or general election of the state.

(s) Operate in compliance with 1-701 through 1-708 of the Code pertaining to the investment of idle funds; and,

(t) Any other duties required by this Code or by law.
(K.S.A. 12-3007:3008; Rev. Ord. 1951, 1-501:511; Code 2015)

- 1-303. FIRE CHIEF, POLICE CHIEF; DUTIES. The duties of the fire chief are found in Chapter 7 of this Code and are also the duties required by this Code or by law. The duties of the police chief are found in Chapter 10 of this Code and are also the duties required by this Code or by law. (Code 2015)
- 1-304. CITY TREASURER; DUTIES. The duties of the city treasurer shall be as follows:
- (a) Receive and safely keep all moneys belonging to the city possessed or controlled by him or her by virtue of his or her office, giving his or her receipt therefore and for all moneys received by him or her from any source, he or she shall give duplicate receipts causing one 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 that have main or branch offices in Cherokee County, Kansas, and only after the same has been designated by the city council and after the depository bank shall have given security in those instances when a depository of public moneys must give security. All such deposits shall be made in his or her name and in his or her official title as treasurer of the City of Galena;
 - (e) Payout funds of the city upon warrants (warrants and checks) properly signed by the mayor, attested by the city clerk and countersigned by him or her. He or she shall cancel all warrants as soon as paid, and in cancelling paid warrants, he or she shall write across the face of such warrant the word "Paid" in red ink and sign the same: provided, that in case a combination warrant and check is used and such warrant is stamped by a depository bank of the city, the endorsement of the treasurer shall not be required;
 - (f) Operate in compliance with 1-701 through 1-708 of the Code pertaining to the investment of idle funds; and,
 - (g) Any other duties required by this Code or by law.
(K.S.A. 9-1401:1403,10-801:809; Rev. Ord. 1951, 1-601:609; Code 1988)
- 1-305. EXPENDITURES; BIDS. The city shall neither make nor become obligated to make an expenditure of \$301.00 or more, whether for goods or services, unless; (1) the proposed expenditure is approved by the city council after solicitation of public bids and the presentation of the same to the city council; or (2) the expenditure qualifies as an emergency expenditure. However, there shall be no bidding requirement for professional services. Professional services shall be limited in definition to services provided by the following persons: an engineer, architect, physician, accountant, surveyor, or attorney. Further, the city council may waive by a unanimous vote the requirement that bids be solicited for other types of services that are not defined above as being professional services. Further, the city council may waive by a unanimous vote the requirement that bids be solicited for the purchase of goods.
- (a) An emergency expenditure is a necessary expenditure which cannot be postponed until it can be submitted to the entire city council for approval.

(b) No emergency expenditure shall be incurred until it has been approved by the city council.

(c) No emergency expenditure shall be approved for an amount in excess of \$1,000.00.

(g) Approval of an emergency expenditure shall first be made by the City Manager, and the City Manager shall also obtain the approval of the Mayor, and in the absence of the Mayor, the approval shall be obtained from the Mayor Pro Tem before such expenditure can be made.

(Ord. 04-11; Code 2015)

1-306.

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 council when so directed to attend by the council;

(b) Advise the city council and all officers of the city upon such legal questions affecting the city and its offices as may be submitted to him or her;

(c) When requested by the city council, give opinions in writing upon any such questions;

(d) Draft such ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to him or her in the regular transaction of affairs of the city;

(e) Approve all ordinances of the city as to form 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.

(Code 2015)

1-307.

CITY SUPERINTENDENT; DUTIES. There is hereby created the office of superintendent of public works. The superintendent of public works shall:

(a) Have the general supervision of the waterworks plant, sewers and drains, streets, alleys, sidewalks, public highways, public grounds, city refuse and sanitation;

(b) Request of the governing body employment of such personnel as needed in the operation, repair and maintenance of such services;

(c) Perform inspections as may be necessary during the absence of the city inspector;

(d) Maintain necessary books and records pertaining to his or her office;

(e) Recommend to the governing body projects for improvement of the waterworks, streets and sewers, city refuse and sanitation;

(f) Furnish all facts and information requested by the governing body;

(g) Attend all meetings of the governing body and advise them on all matters under his or her jurisdiction; and

(h) Perform such other duties as requested by the governing body; and,

(i) Any other duties required by this Code or by law.

(Ord. 83-10; Code 2015)

- 1-308. CODE ENFORCMENT OFFICER/ANIMAL CONTROL; METER READER/CEMETERY SEXTON; COURT CLERK/OFFICE ASSOCIATE;
- (a) There is hereby established the following full-time positions:
 - (1) Code Enforcement Officer/Animal Control Officer - who shall be under the direct supervision of the police chief;
 - (2) Court Clerk/Office Associate - who shall be under the direct supervision of the municipal judge when performing the duties of court clerk, and, be under the direct supervision of the city clerk when performing the duties of office associate. The employee's duties of court clerk shall take precedence over the duties of office associate;
 - (3) Meter Reader/Cemetery Sexton - who shall be under the direct supervision of the city clerk. (Ord. 07-13; Code 2015)
- 1-309. CITY SURVEYOR. (a) There is hereby created the position of city surveyor to be filled by the mayor.
- (b) The duties of the position shall be to perform such surveying work and related duties as are required and specifically requested by the mayor, governing body, city attorney, city superintendent, or city clerk.
 - (c) The salary of the city surveyor shall be set in the same manner as other employee salaries are set by the city, but in no event shall be less than \$500.00 per month. (Ord. 95-18; Code 2015)
- 1-310. HIRING OF EMPLOYEES.
- (a) Definitions.
 - (1) All city workers shall be designated as either officers or employees for the purposes of this section as follows:
 - (A) Officers shall include the following appointed positions: fire chief, city attorney, city superintendent, city clerk, municipal judge, and chief of police.
 - (B) Employees shall include all regular workers paid by the city, whether full-time or part-time, except those designated above as officers.
 - (2) Each advertisement shall state that the city is an Equal Opportunity Employer and will not discriminate against any applicant on the basis of race, color, creed, sex, age, national origin, ancestry, religion, or physical handicap.
 - (3) The department heads shall prepare and maintain a file of job descriptions for all city positions. These job descriptions shall be provided to the city clerk who shall make such descriptions available to any applicant during normal business hours. Job descriptions shall include the duties specified in the Code, which need not be specifically enumerated, as well as any duties specifically stated in the job description. The job descriptions of city officers are hereby deemed to include at least those duties specified in Article 3 of Chapter 1 of this Code, and any provisions such Article may reference, as well as any job functions required by this Code. The city council shall supplement or revise the job descriptions of city officers as may be needed.
 - (b) Advertising.
 - (1) The city clerk shall advertise at least one time all officer and employee positions, whether a vacancy exists or not, in the official city newspaper during the first two weeks of December of each year.
 - (2) Each advertisement shall state that the city is an Equal Opportunity Employer and will not discriminate against any applicant on the basis of race, color, creed, sex, age, national origin, ancestry, religion, or physical handicap.
 - (3) The department heads shall prepare and maintain a file of job descriptions for all city positions. These job descriptions shall be provided to the city clerk who shall make such descriptions available to any applicant during normal business hours. Job descriptions shall include the duties specified in the Code, which need not be specifically enumerated, as well as any duties specifically stated in the job description. The job descriptions of city officers are hereby deemed to include at least those duties specified in Article 3 of Chapter 1 of this Code, and any provisions such Article may reference, as well as any job functions required by this Code. The city council shall supplement or revise the job descriptions of city officers as may be needed.

(4) The city clerk shall maintain a file of job applications submitted by applicants for each position. The applications shall be retained on file for one year and then discarded.

(c) Appointments.

(1) All city officers shall begin their duties only upon appointment by the mayor, except as provided in subsection (d) of this section.

(d) Temporary Appointments.

(1) If one or more vacancies occur in employee positions, the mayor may fill them on a temporary basis.

(2) The temporary appointee must have an application on file with the city clerk for the position.

(3) If one or more vacancies occur in department head positions, the mayor may fill them on a temporary basis. The temporary appointee shall serve until a permanent appointee is made by the mayor. The mayor shall promptly make such appointments.

(Ord. 86-10, Sec. 1:4; Code 1998)

1-311. 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 2015)

1-312. 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. (Code 2015)

1-313. EMERGENCY REQUESTS. (a) Any officer or employee of the city who is a regular member of an emergency unit shall be allowed to leave his or her duties with the city in order to respond to an emergency request for his or her services as a member of the unit, provided that the business of the city is not adversely affected in a material manner.

(b) An Emergency Unit shall be defined as a fire department, ambulance crew, state or national military organization, or similar unit.

(c) An Emergency Request shall be defined as an official request from the supervisor of the emergency unit pertaining to a situation constituting a reasonable and immediate threat to human safety or property.

(d) The officer or employee responding to an emergency request under this section shall receive full pay and benefits from the city for not more than one full working day. (Ord. 86-3; Code 2015)

ARTICLE 4. PERSONNEL POLICY AND EMPLOYEE BENEFITS

- 1-401. PERSONNEL POLICIES AND GUIDELINES. There is hereby incorporated by reference for the purpose of establishing employee personnel rules and regulations the document entitled "Uniform Personnel Policies and Guidelines for the City of Galena – April 24, 2007." One copy of said document shall be marked or stamped "Official Copy as adopted by the Code of the City of Galena" and which there shall be attached a copy of this section. Said official copy 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. (Ord. 07-09; Code 2015)
- 1-402. PERSONNEL RULES; INAPPLICABLE. The personnel rules stated in this article do not apply to the employees of Premier Surgical Institute. Such employees shall be subject to a separate set of personnel policies and employee benefits. (Ord. 13-9; Code 2015)

ARTICLE 5. OATHS AND BONDS

- 1-501. OATH; AFFIRMATION. All officers and employees of the city, whether elected or appointed, either under the laws of the State of Kansas or ordinances of the city, shall before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:
- Oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter name of office or position). So help me God."
- Affirmation: "I do solemnly, sincerely and truly declare and affirm that I will support the Constitution of the United States and of the State of Kansas and faithfully discharge the duties of _____ (enter name of office or position). This I do under the pains and penalties of perjury.
(K.S.A. 54-104; K.S.A. 54-106; K.S.A. 75-4308; Code 2015)
- 1-502. OATHS FILED. All governing body members, 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 2015)
- 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 - \$10,000;
 - (3) Clerk of municipal court - \$1,000;
 - (4) Judge of municipal court - \$1,000.
 - (5) City Superintendent - \$1,000.
- (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 1998)
- 1-504. SAME; PREMIUMS. All premiums on surety bonds shall be paid by the city. (K.S.A. 78-111; Code 1988)
- 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 1988)
- 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 1988)

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 1988)
- 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 2015)
- 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 2015)
- 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 1988)

- 1-605. FACILITIES FOR PUBLIC INSPECTION. All city offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect and/or copy an open public record. The office of the city clerk, being the principal record-keeper of the city, shall be used as the principal office for providing access to and providing copies of open records to the maximum extent practicable. Requesters of records shall be referred to the office of the city clerk except when the requested records are not in that office and are available in another city office. (Code 1988)
- 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 1988)
- 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.
 - (g) City Superintendent - All public records not on file in the office of the city clerk and kept and maintained in the public works department.
 - (h) City Librarian - All public records not on file in the office of the city clerk and kept and maintained in the city library.
- (Code 2015)
- 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 2015)
- 1-609. DESIGNATION OF ADDITIONAL RECORD CUSTODIANS. (a) Each of the official custodians appointed in section 1-607 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 1988)

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 1988)

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 2015)

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 \$15 per hour per employee engaged in the record search. A minimum charge of \$15 shall be charged for each such request if the time to obtain the information for the party requesting such records exceeds 15 minutes. (Code 1988)

1-613. COPYING FEE. (a) A fee of \$.30 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 1988)

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 \$15.

(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 1988)

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 1988)

ARTICLE 7. INVESTMENT OF PUBLIC 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 2015)

1-702. ACTIVE FUNDS; DESIGNATION OF DEPOSITORIES; ELIGIBLE DEPOSITORIES. (a) The governing body shall designate the banks, savings and loan associations and savings banks which shall serve as depositories of its funds. The clerk, treasurer or other city officer or employee having the custody of city funds shall deposit such funds only at the designated banks, savings and loan associations and savings banks. Only banks, savings and loan associations and savings banks that have main or branch offices in Cherokee County shall be designated as official depositories. No such bank, savings bank or savings and loan association shall be designated as a depository until the city is assured that it can obtain satisfactory security for its deposits.

(b) The clerk, treasurer or other city officer or employee depositing public funds shall deposit all such public funds coming into such person's possession in their name and official title as such officer. If the governing body fails to designate an official depository or depositories, the officer thereof having custody of city funds shall deposit such funds with one or more banks, savings and loan associations or savings banks which have main or branch offices in Cherokee County if satisfactory security can be obtained therefor and if not then elsewhere. In such event, the officer or employee shall serve notice in writing on the governing body showing the names and locations of such banks, savings and loan associations and savings banks where such funds are deposited, and upon so doing the officer or employee having custody of such funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by the officer or employee.

(c) If eligible banks, savings and loan associations or savings banks under subsections (a) or (b) cannot or will not provide an acceptable bid, which shall include services, for the depositing of public funds under this section, then banks, savings and loan associations or savings banks which have main or branch offices in any immediately adjoining county may receive deposits of the city's active funds, if such banks, savings and loan associations or savings banks have been designated as official depositories under subsection (a) and the city can obtain satisfactory security therefor.

(Code 2015)

1-703. DEFINITIONS. As used in this article the following words and phrases shall mean:

(a) Bank - means any bank incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States and which has a main or branch office in Kansas;

(b) Savings and loan association - means any savings and loan association incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States and which has a main or branch office in Kansas;

(c) Savings bank - means any savings bank organized under the laws of the United States and which has a main or branch office in Kansas;

(d) Main office - means the place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch;

(e) Branch - means any office within this state, other than the main office, that is approved as a branch by a federal or state supervisory agency, at which deposits are received, checks paid or money lent. Branch does not include an automated teller machine, remote service unit or similar device or a loan production office;

(f) Investment rate - means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the Federal Reserve System for the previous week.

(Code 2015)

1-704. INVESTMENT OF IDLE FUNDS. Temporarily idle moneys of the city not currently needed, may in accordance with the procedure hereinafter described be invested:

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

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

(1) In banks, savings and loan associations and savings banks, which have main or branch offices located in the city; or

(2) 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 the county or counties in which all or part of the city is located;

(c) In repurchase agreements with:

(1) Banks, savings and loan associations and savings banks, which have main or branch offices located in the city, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or

(2)(A) If no main or branch office of a bank, savings and loan association or savings bank, is located in the city; or

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

loan associations or savings banks which have main or branch offices in the county or counties in which all or part of the city is located; or

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

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

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

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

(g) In multiple municipal client investment pools managed by the trust departments of banks which have main or branch offices located in county or counties where city is located or with trust companies incorporated under the laws of this state which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks which have main or branch offices located in the county or counties in which Galena 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. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto.

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

(i) In selecting a depository pursuant to subsection (b), if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the city and such financial institution will make such deposits available to the city at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and such financial institution otherwise qualifies for such deposit, the governing body shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the city shall select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in the county or counties in which all or a part of the city is located which will make such deposits

available to the city at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and which otherwise qualify for such deposits.
(Code 2015)

- 1-705. 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 2015)
- 1-706. CUSTODY AND SAFEKEEPING. Securities purchased pursuant to this article shall be under the care of the city clerk, city treasurer and _____ 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 2015)
- 1-707. SALE OR TRANSFER. If, in order to maintain sufficient moneys on demand deposit in any fund as provided in 1-705, it becomes necessary to transfer or sell any securities of such funds, the officers specified in 1-706 may transfer said securities to any other fund or funds in which there are temporarily idle moneys, or shall sell such securities, and for such purpose they shall have authority to make any necessary written direction, endorsement or assignment for and on behalf of the city. (Code 2015)
- 1-708. INTEREST ON TIME DEPOSITS. The city clerk shall deposit the interest earned on invested idle funds to the general fund, unless otherwise required or authorized by law. (Code 2015)

ARTICLE 8. FUNDS

- 1-801. PETTY CASH FUND. The city clerk shall be the custodian of the petty cash fund when the governing body shall deem it necessary to create the same by resolution adopted. The fund shall not exceed the sum of \$50 at any appropriation therefore made by it for the fund. The petty cash fund shall be used for the prompt payment of incidentals coming to the office of city clerk, as the same shall be necessary, for the payment of postage, express charges, drayage, and other like incidentals connected with matters relating to the city which shall be administered by and incidental of the office of the clerk of this city.
(Rev. Ord. 1951, 1-512; Code 1988)
- 1-802. ZELLIKEN FUND. (a) The governing body of the city accepts the responsibility of the administration of the Zellikken Fund. This fund is represented by a \$2,000 United States Government Bond Series H. The purpose of this fund shall be to aid and assist transients within the city.
(b) The annual interest on the aforesaid bond will be used by the chief of police, the police sergeant, or the mayor, at their discretion, to aid and assist transients. The expenditure shall not exceed \$25 for gasoline, per vehicle, or \$10 for food per occasion. The fund will be used until the interest is depleted. If this occurs, the fund will be inactive until more interest is accumulated. Any officer making a distribution of such funds shall within 5 days make a full accounting thereof to the city clerk.
(c) Any purchases in accordance with subsection (b) shall be at local businesses and charged to the city to be paid on approval by regular appropriations.
(Ord. 1056, Sections 1, 3; Ord. 84-9, Sec. 1; Code 1988)
- 1-803. PARK IMPROVEMENT FUND. There is hereby created a park improvement fund for the improvement of parks of the city. (Ord. 917, Sec.1; Code 1988)
- 1-804. EBAY TRANSACTIONS FUND. There is hereby created an EBAY transactions fund. The fund shall be used for the receipt of proceeds received by the City of Galena from authorized sales of materials and products through EBAY listings. The fund may also be used for incidental expenses related to the administration thereof. Further, the account to be used for the deposit of such funds shall not be commingled with any other city proceeds or funds. Any transactions related to the transfer of proceeds from this account shall bear the signature of the city treasurer and mayor. (Code 2015)