

**CITY COMMISSION MEETING
Winfield, Kansas**

DATE: Monday, May 07, 2018
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDERMayor Gregory N. Thompson
ROLL CALL.....City Clerk, Brenda Peters
MINUTES OF PRECEDING MEETING.....Monday, April 16, 2018

PROCLAMATIONS

- Recognize Rod Haney, the 2018 Kansas Building Official of the Year
- Proclaiming May 6 - 12, 2018, as National Public Service Recognition Week
- Proclaiming the Month of May as Mental Health Month.

BUSINESS FROM THE FLOOR

- Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 1844 – An Ordinance – Amending Section 18-1(10) of Chapter 18 of the Municipal Code of the City of Winfield by of the subdivision regulations for the City of Winfield, Kansas to include Backflow Device Tester/Installer and Fire Suppression Installation Contractor.

Bill No. 1845 – An Ordinance – Amending Article 3 of the Zoning Regulations of the City of Winfield, Kansas, by changing the boundaries of certain districts referred to on an official map designated as the “Zoning District Map of Winfield, Kansas,” which is made a part of Article 3 of the Zoning Regulations of the City of Winfield, Kansas. (812 Mansfield)

Bill No. 1846 – An Ordinance – Amending Article 3 of the Zoning Regulations of the City of Winfield, Kansas, by changing the boundaries of certain districts referred to on an official map designated as the “Zoning District Map of Winfield, Kansas,” which is made a part of Article 3 of the Zoning Regulations of the City of Winfield, Kansas. (501 Harter)

Bill No. 1847 – A Resolution – Accepting and granting a Conditional Use Permit to Kongpheng & Somechan Kora at 501 Harter Street, Winfield, KS to allow the use of a nonprofit institution of educational, philanthropic or eleemosynary nature within a “R-3” High Density Residential District.

Bill No. 1848 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to enter into an agreement with Dennett Tree Service for the demolition and removal of the structure, A house on a tract of land in the West Half of the Northwest Quarter of Section 28, Township 32 South, Range 4 East, described by metes and bounds, as follows: Commencing at a point on East side of Right-of-way of Kansas City and Southwestern Railroad at intersection of the South side of Ninth Avenue of the City of Winfield with said right-of-way; thence East on the South line of Ninth Avenue, 50 feet; thence South 140 feet; thence West to East line of Right-of way to point of beginning. Commonly known as 623 W. 9th Ave. Recorded in Book 0861 Page 0058, in the Office of the Register of Deeds of Cowley County, Kansas.

Bill No. 1849 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to enter into an agreement with Lawrence Crushed Stone for the demolition and removal of the structures, a House and detached garage on a tract of land legally described as; East Half of Lot 7, and all of Lot 8, block 202, Andrews Addition, Winfield, Kansas. Commonly known as 515 E. 3rd Ave. Recorded in Book 0931 Page 0833, in the Office of the Register of Deeds of Cowley County, Kansas.

OTHER BUSINESS

- Consideration of Bids for the Rotary Project
- Consider Health Insurance Renewal
- Consider Sewer Manhole Project
- Consider GovPayNet for Credit Card Processing
- Consider Adoption of Governing Body Manual
- Consider the adoption of the following as the City of Winfield Mission Statement: "To provide and maintain services necessary to sustain a safe, welcoming, and prosperous community for the residents of Winfield."

ADJOURNMENT

- Next Commission work session 4:00 p.m. Thursday, May 17, 2018.
- Next regular meeting 5:30 p.m. Monday, May 21, 2018.

CITY COMMISSION MEETING MINUTES
Winfield, Kansas
April 16, 2018

The Board of City Commissioners met in regular session, Monday, April 16, 2018 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Gregory N. Thompson presiding. Commissioners Ronald E. Hutto and Phillip R. Jarvis were also present. Also in attendance were Jeremy Willmoth, City Manager; Brenda Peters, City Clerk and William E. Muret, City Attorney. Other staff members present were Patrick Steward, Director of Community Development; and Gus Collins, Director of Utilities.

Commissioner Hutto moved that the minutes of the April 2, 2018 meeting be approved. Commissioner Jarvis seconded the motion. With all Commissioners voting aye, motion carried.

BUSINESS FROM THE FLOOR

NEW BUSINESS

Bill No. 1837 - An Ordinance - Amending Chapter 34 Fees, Section 78 Utilities (m) Sewer User Charges, of the Revised Ordinance of the City of Winfield, Kansas. City Manager Willmoth explains that this ordinance is the recommendation to update the sewer user fees as discussed in the last work session. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1837 was adopted and numbered Ordinance No. 4088.

Bill No. 1838 – A Resolution – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in Block 1, Hiatt Hills Addition, City of Winfield, Cowley County, Kansas. Director of Utilities Collins explains that this resolution is to accept an easement granted by Wayne and Jackie Brooks, owners of 1014 Country Club Road, to extend electric service to a building located at 2220 Crestline Dr. The easement is at no cost. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis, all Commissioners voting aye, Bill No. 1838 was adopted and numbered Resolution No. 3118.

Bill No. 1839 - A Resolution – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Northwest corner of the Northwest Quarter of Section 34, Township 32 South, Range 4 East of the 6th P.M., City of Winfield, Cowley County, Kansas. Director of Utilities Collins explains that this resolution considers acceptance of an easement granted by James and Marilyn Bowman for part of a property located adjacent to the Broadway Sports Complex in order to provide electric utility service to an area located at Broadway Sports Complex. The easement is at no cost. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1839 was adopted and numbered Resolution No. 3218.

Bill No. 1840 – A Resolution – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across real estate in the Northwest Quarter of Section 23, Township 32 South, Range 4 East of the 6th P.M., City of Winfield, Cowley County, Kansas. Director of Utilities Collins explains that this easement is granted by Gary and Raquel Beeman for a portion of property located at 2604 TP Hales Road in order to provide utility service to a new construction located at 2530 TP Hales Road. There is no cost. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis, all Commissioners voting aye, Bill No. 1840 was adopted and numbered Resolution No. 3318.

Bill No. 1841 - A Resolution – Determining the existence of certain nuisances in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City. Director of Public Services Steward explains that this resolution is for consideration of the determining of a nuisance at 1218 Lowry Street. Steward explains that a letter has been sent to the property owner for clean-up of the property, however no action has been taken. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1841 was adopted and numbered Resolution No. 3418.

Bill No. 1842 – A Resolution – Authorizing and directing the Mayor and the City Clerk of the City of Winfield, Kansas to execute a contract for Country Club Villas for Water Line Improvements, 18-WD-831, between the City of Winfield, Kansas and Mies Construction, Inc. Director of Public Services Steward explains that this resolution considers executing a contract for water line improvements in Country Club Villas. Steward explains that this contract cost was negotiated between the developer (Mahlon Alexander) and Mies Construction, Wichita, Kansas. The cost of \$47,464 for improvements will be paid through special assessments. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis, all Commissioners voting aye, Bill No. 1842 was adopted and numbered Resolution No. 3518.

Bill No. 1843 - A Resolution – Authorizing an Outdoor Community Event and Temporary Entertainment District Application. City Manager Willmoth explains that this application is for the Young Professionals to serve alcohol during the Spring Music Crawl on to be held on May 11, 2018. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1843 was adopted and numbered Resolution No. 3618.

OTHER BUSINESS

-Consider Light/Medium Duty Pickup Quotes - City Manager Willmoth explains that after consideration of quotes received for pickups for use in four departments, staff recommends that the Commission accept the quote from Winfield Motor Company for the 1T Cab/Chassis for the Electric Distribution Department for a cost of \$27,125; and accept the quote from Winfield Motor Company for the 3/4T pickup for the Underground Utilities at a cost of \$28,186; and accept the quote from Winfield Motor Company for the 3/4T pickup for Animal control at a cost of \$28,186; and accept the quote from Winfield Motor Company for the 1/2 T Extended Cab for Water Production for a cost of \$22,530. Commissioner Hutto made a motion to accept the bids as proposed for a total cost of \$106,027. Motion was seconded by Commissioner Jarvis. With all Commissioners voting aye, motion carried.

-Consider quotes for sedans for the Police Department. City Manager Willmoth explains that after consideration of quotes received for sedans for the Police Department, staff recommends that the Commission accept the quote from Winfield Motor Company for three pursuit sedans for a total cost of \$76,248. Commissioner Jarvis made a motion to approve the purchases from Winfield Motor Company, at a total cost of \$76,248. Motion was seconded by Commissioner Hutto. With all Commissioners voting aye, motion carried.

-Consider purchase of video laryngoscopes for EMS. City Manager Willmoth explains that Fire Department staff was present at the work session last Thursday regarding the purchase of video laryngoscopes, however, the purchase information was not available at the time of the meeting. Since there was only one quote, City Manager Willmoth asks the Commission to go ahead and accept as presented, and that the information would be put into the minutes. Commissioner Hutto made a motion to accept the bid for video laryngoscopes as presented last Thursday. Motion was seconded by Commissioner Jarvis. With all Commissioners voting aye, motion carried. Purchase for four video laryngoscopes will be from Physio Controls for a total cost of \$10,072.50.

- Consider appointment to the Convention & Tourism Committee. City Clerk Peters presented a possible appointment of Bart Redford to the Convention & Tourism Committee for Commission consideration. Commissioner Jarvis made a motion to appoint Bart Redford to the Convention & Tourism Committee. Commissioner Hutto seconded the motion. With all Commissioners voting aye, motion carried.

-Consider Air Packs for Fire Department. City Manager Willmoth explains that the Fire Department is seeking to purchase 12 air packs and masks, staff recommends that the Commission accept the quote from Feld Fire for 12 New SCBA air packs, masks, and 24 bottles for a total cost \$89,546.40. Commissioner Hutto made a motion to purchase the air packs, masks, and air bottles as presented at work session. Motion was seconded by Commissioner Jarvis. With all Commissioners voting aye, motion carried.

ADJOURNMENT

Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, the meeting adjourned at 5:44 p.m.

Signed and sealed this 3rd day of May 2018.

Signed and approved this 7th day of May 2018.

Brenda Peters, City Clerk

Gregory N. Thompson, Mayor



**Board of City Commissioners
Honoring**

Rod Haney


WHEREAS, the Heart of America Chapter of the International Code Council recognizes an active chapter member whose contribution to the code enforcement profession is meritorious; and

WHEREAS, Rod Haney has distinguished himself as a Code Official by the organization of the South Central Kansas Education Conference, his active participation in the chapter for 25 years, his promotion of the International Code Council's Technical Training Program across Kansas, and his dedication to his duties as a Building Official with the City of Winfield; and

WHEREAS, Rod Haney was selected by the Chapter as this year's recipient of the Kansas Building Official of the Year Honor at the Annual Business Meeting.

NOW THEREFORE, the Commissioners of the City of Winfield, Kansas, hereby recognize Rod Haney, the 2018 Kansas Building Official of the Year, for his dedication and service to the public and the City of Winfield.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Winfield, Kansas, to be affixed this 8th day of January, 2018.



Gregory N. Thompson, Mayor

ATTEST:



Brenda Peters, City Clerk

PROCLAMATION

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation operating; and

WHEREAS, Many public servants risk their lives each day in service to the people of the United States and around the world; and

WHEREAS, Public servants also include teachers, doctors and scientists, train conductors and astronauts, nurses and safety inspectors, utility technicians and laborers, computer technicians and social workers, and countless other occupations. Day in and day out they provide the diverse services demanded by the American people with integrity; and

WHEREAS, celebrations are being initiated across the nation by mayors, governors, agency leaders, communities and public service organizations.

NOW, THEREFORE, I, Gregory N. Thompson, Mayor of the City of Winfield, Kansas, do hereby announce and proclaim to all citizens and set seal hereto, that May 6 - 12, 2018, is:

National Public Service Recognition Week

In order to recognize the accomplishments and contributions of the millions of public employees at the federal, state, county, and city levels:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Winfield, Kansas, to be affixed this 7th day of May 2018.

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

PROCLAMATION

- WHEREAS mental health is essential to everyone's overall health and well-being; and
- WHEREAS all Americans experience times of difficulty and stress in their lives; and
- WHEREAS there is strong research that diet, exercise, sleep and stress management can help all Americans protect their health and well-being; and
- WHEREAS mental health conditions are real and prevalent in our nation; and
- WHEREAS with effective treatment, those individuals with mental health conditions can recover and lead full productive lives; and
- WHEREAS prevention is an effective way to reduce the burden of a mental health condition. By acting early and effectively (Before Stage 4), we could prevent many mental health conditions from progressing, or even occurring in the first place; and
- WHEREAS support of a recovery-oriented system of care approach would encourage personal responsibility, strengths and resilience of individuals, families, and communities to achieve health, wellness and recovery; and

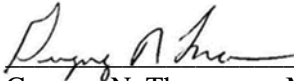
Each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental illnesses and has a responsibility to promote mental wellness and support prevention efforts.

THEREFORE, I Gregory N. Thompson, Mayor of the City of Winfield, Kansas, do hereby proclaim May 2018 as:

Mental Health Month


in Winfield, Kansas. I also call upon the citizens, government agencies, public and private institutions, businesses and schools to commit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health and/or take responsibility towards directing an appropriate course of action towards optimum health and wellness, and to actively engage in the improvements of our local systems of care so that services are accessible for all people with mental health conditions before Stage Four.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Winfield, Kansas, to be affixed this 7th day of May 2018.



Gregory N. Thompson, Mayor

ATTEST:



Brenda Peters, City Clerk

BILL NO. 1844

ORDINANCE NO. 4089

AN ORDINANCE

AMENDING Section 18-1(10) of Chapter 18 of the Municipal Code of the City of Winfield by of the subdivision regulations for the City of Winfield, Kansas to include Backflow Device Tester/Installer and Fire Suppression Installation Contractor.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. Section 18-1(10) of Chapter 18 of the Municipal Code of the City of Winfield shall be amended to read as follows:

- (10) Limited contractor means a contractor that performs a specific function that does not entail the full scope of work done by a licensed general, building, residential, electrical, plumbing or mechanical contractor.
 - a. Window and siding contractor means a person or firm qualified to fabricate, install, maintain, repair, alter or extend accessories such as siding, soffits, gutters, awnings, storm doors and windows.
 - b. Concrete contractor means a person or firm qualified to construct, pour, place and finish driveways, sidewalks and other similar flatwork using Portland cement concrete or asphaltic materials, and those who are qualified to construct forms and framework for the casting and shaping of concrete and placing reinforcing steel and to pour, place and finish concrete.
 - c. Roofing contractor means a person or firm qualified to install, repair, or replace roof-covering systems. Work may include, but not be limited to, roof decking insulation, roof coating, use of sheet metal and metal products incidental to roofing work, nonstructural decking, asphalt and fiberglass shingles, roof roofing, tile roofing systems, slate and wood shingles or any other approved roofing product.
 - d. Drywall and plastering contractor means a person or firm qualified to coat surfaces with a mixture of sand, or other aggregate, gypsum, plaster or Portland cement, quick lime and water, or other combinations of approved materials as to create a permanent surface coating, including the installation or wire mesh or necessary elements required to hold the coating. Also includes the installation of gypsum drywall products and finish preparation of drywall systems.
 - e. Residential swimming pool contractor means a person or firm qualified and equipped to install, repair and replace residential swimming pools including the pumps, pool heaters, solar pool heaters, filters and chlorinators and that piping incidental to the recirculation system and concrete slab work.

- f. Fence contractor means a person or firm qualified and equipped to construct, build or install chain link fencing, privacy fencing and all other types of fencing and incidental work to install a fence.
- g. Carpenter/handyman contractor means a person or firm qualified and equipped to perform minor repairs and maintenance to one- and two-family dwellings. Scope of license includes the replacement of roofing materials limited to a total roof area of 100 square feet or less, and construction of detached accessory buildings limited in size to 100 square feet or less. Scope of license does not include any work requiring structural alterations to any portion of the structure including the construction of carports either attached or detached, electrical, plumbing or HVAC work of any nature, cabinet or countertop replacement.
- h. Masonry contractor means a person or firm qualified and equipped for the construction or repair of walls, footings and other structures by the laying of bricks, blocks or stone.
- i. Demolition contractor means a person or firm qualified and equipped to demolish, raze or otherwise remove structures, including the removal of all debris, leveling of property and plugging of sewer lines to the structure.
- j. Backflow device tester/installer contractor means a person or firm qualified and equipped to install, repair, test, and replace backflow prevention devices including water supply piping incidental to the installation or replacement of the backflow prevention device; provided backflow device tester/installer contractor, having a current certificate issued by an authorized Kansas Department of Health and Environment Backflow Device Trainer, show him or her to be so qualified, shall be issued a limited contractor's license. A backflow device contractor may connect a lawn sprinkler system to a the service line on residential properties only, but such connections must be made by a licensed plumber on commercial property, except when attaching to a separate and dedicated water service for that irrigation system.
- k. Fire suppression installation contractor means a person, firm or corporation that is qualified, equipped, and certified to install, service, repair inspect, or maintain fire protection equipment, fire sprinkler systems, special hazard fire suppression systems and kitchen hood fire suppression systems, fire alarm systems or portable fire extinguishers.

A limited contractor having proof of successfully passing, or employs an individual having proof of successfully passing, the duly recognized examination as designed by K.S.A. 12-1501 et seq., or state and/or nationally recognized examination/certification, or the applicable examination as issued by the International Code Council, Falls Church, Virginia, with a minimum score of 75 percent, shall be issued a limited contractor license. Individuals or firms showing proof of being engaged in the business of a limited contractor shall be exempt from the examination requirements provided an application for a limited contractor's license is presented to the building trades board prior to July 1, 2008

Section 2. Severability. Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

Section 3. Repealer. Previous Section 18-1(10) of Chapter 18 of the Municipal Code is hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect on June 1, 2018 and after its publication in the official city newspaper.

ADOPTED this 7th day of May 2018.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager/ps



Request for Commission Action

Date: 5/1/18

Requestor: Patrick Steward, Director of Public Improvements

Action Requested:

Consider a revision to the contractor licensing Ordinance to add backflow prevention tester/installer and fire suppression installation contractor as license types.

Analysis:

As previously discussed, it is the responsibility of the City as the water provider to insure that backflow prevention devices are installed and tested as required by the State of Kansas and the Municipal Code. This licensing requirement provides a method and responsible party for verifying the devices are installed and inspected.

Fiscal Impact:

There will be some additional licensed contractors fees. However, the majority of the contractors the perform this work are already licensed as plumbers.

Attachments: Ordinance

(Published in *The Cowley Courier Traveler*, Friday, May 11, 2018)

BILL NO. 1845

ORDINANCE NO. 4090

AN ORDINANCE

AMENDING Article 3 of the Zoning Regulations of the City of Winfield, Kansas, by changing the boundaries of certain districts referred to on an official map designated as the “Zoning District Map of Winfield, Kansas,” which is made a part of Article 3 of the Zoning Regulations of the City of Winfield, Kansas.

WHEREAS, the Winfield City Planning Commission conducted a public hearing on Monday April 9th, 2018, at the time and location as set forth in a public notice published in the Winfield Daily Courier to consider Zoning Case Number 2018-01; and,

WHEREAS, said Planning Commission on April 9th, 2018, passed a motion recommending a change in zoning as set forth in said Zoning Case Number 2018-01; and,

WHEREAS, after due consideration of the recommendation submitted by the Winfield City Planning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The boundaries of certain zoning districts as shown on the “Zoning District Map of Winfield, Kansas,” referred to in Article 3 of the Zoning Regulations of the City of Winfield, and also referred to in other sections of the Zoning Regulations of the City of Winfield, Kansas, shall be changed from “R-3,” High Density Residential District to “C-2,” Restricted Commercial District for the following legally described property:

Beginning at the Southwest corner of Lot 6, Block 68, Mannings Addition to the City of Winfield, Cowley County, Kansas; thence East 100 feet to the Southeast corner of Lot 5, Block 68, Winfield; thence North 60 feet; thence West 100 feet to East line of Mansfield Street; thence South to the point of beginning.

- AND -

The North 80 feet of Lot 5, Block 68, in the City of Winfield, and a track of land beginning at the Northeast corner of Lot 6, Block 68 in Manning’s Addition to the City of Winfield, Cowley County, Kansas; thence West parallel with the South line of 8th Avenue, 13 feet; thence South parallel with the East line of said Lot 6, 80 feet; thence East 13 feet to the East line of Lot 6; thence North 80 feet to the place of beginning, being a tract of land 55 feet by 80 feet; and West 10 feet of Lot 4, Block 68, all in the City of Winfield, Cowley County, Kansas.

Section 2. The “Zoning District Map of Winfield, Kansas” referred to in Article 3 of the Zoning Regulations of the City of Winfield, Kansas shall be revised accordingly to reflect said change in the boundaries of certain zoning districts described in this ordinance.

Section 3. Article 3 of the Zoning Regulations of the City of Winfield, Kansas, effective June 1, 2017 are hereby amended to incorporate the revised “Zoning District Map of Winfield, Kansas” and said revised “Zoning District Map of Winfield, Kansas,” including all notations, dimensions, references and symbols shown thereon pertaining to such districts, is hereby reincorporated and made a part of said Article 3, of the Zoning Regulations of the City of Winfield, Kansas as if fully described therein.

Section 4. All provisions of said Article 3, of the Zoning Regulations of the City of Winfield, Kansas shall remain in full force and effect except as they are in conflict or inconsistent herewith.

Section 5. The Clerk of the City of Winfield, Cowley County, Kansas, is hereby authorized and directed to file a certified copy of this ordinance with the Register of Deeds for Cowley County, Kansas.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

ADOPTED this 7th day of May, 2018.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager/tp

(Published in *The Cowley Courier Traveler*, Friday, May 11, 2018)

BILL NO. 1846

ORDINANCE NO. 4091

AN ORDINANCE

AMENDING Article 3 of the Zoning Regulations of the City of Winfield, Kansas, by changing the boundaries of certain districts referred to on an official map designated as the “Zoning District Map of Winfield, Kansas,” which is made a part of Article 3 of the Zoning Regulations of the City of Winfield, Kansas.

WHEREAS, the Winfield City Planning Commission conducted a public hearing on April 9th, 2018, at the time and location as set forth in a public notice published in the Winfield Daily Courier to consider Zoning Case Number 2018-02; and,

WHEREAS, said Planning Commission on April 9th, 2018, passed a motion recommending a change in zoning as set forth in said Zoning Case Number 2018-02; and,

WHEREAS, after due consideration of the recommendation submitted by the Winfield City Planning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The boundaries of certain zoning districts as shown on the “Zoning District Map of Winfield, Kansas,” referred to in Article 3 of the Zoning Regulations of the City of Winfield, and also referred to in other sections of the Zoning Regulations of the City of Winfield, Kansas, shall be changed from “R-1,” Low Density Residential District to “R-3,” High Density Residential District for the following legally described property:

Lot 1, Block 265, Citizen’s Addition, commonly known as 501 Harter Street, to the City of Winfield, Cowley County, Kansas.

Section 2. The “Zoning District Map of Winfield, Kansas” referred to in Article 3 of the Zoning Regulations of the City of Winfield, Kansas shall be revised accordingly to reflect said change in the boundaries of certain zoning districts described in this ordinance.

Section 3. Article 3 of the Zoning Regulations of the City of Winfield, Kansas, effective June 1, 2017 are hereby amended to incorporate the revised “Zoning District Map of Winfield, Kansas” and said revised “Zoning District Map of Winfield, Kansas,” including all notations, dimensions, references and symbols shown thereon pertaining to such districts, is hereby reincorporated and made a part of said Article 3, of the Zoning Regulations of the City of Winfield, Kansas as if fully described therein.

Section 4. All provisions of said Article 3, of the Zoning Regulations of the City of Winfield, Kansas shall remain in full force and effect except as they are in conflict or inconsistent herewith.

Section 5. The Clerk of the City of Winfield, Cowley County, Kansas, is hereby authorized and directed to file a certified copy of this ordinance with the Register of Deeds for Cowley County, Kansas.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

ADOPTED this 7th day of May, 2018.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager/tp

A RESOLUTION

ACCEPTING and granting a Conditional Use Permit to Kongpheng & Somechan Kora at 501 Harter Street, Winfield, KS to allow the use of a nonprofit institution of educational, philanthropic or eleemosynary nature within a “R-3” High Density Residential District.

WHEREAS, the Planning Commission of the City of Winfield, Kansas, on April 9th, 2018, conducted a Public Hearing to consider a request for a Conditional Use Permit to allow the use of a nonprofit institution of educational, philanthropic or eleemosynary nature; and,

WHEREAS, at said hearing the Planning Commission recommended approval of said Conditional Use Permit, Case Number PC2018-03.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. A Conditional Use Permit in Cowley County, Kansas, granted to Kongpheng & Somechan Kora, necessary to for use of a nonprofit institution of educational, philanthropic or eleemosynary nature on the following legally described property:

Lot 1, Block 265, Citizen’s Addition, to the City of Winfield, Cowley County, Kansas.

Section 2. This resolution shall be in full force and effect from and after its adoption.

Section 3. The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to file said Conditional Use with the Register of Deeds of Cowley County, Kansas.

ADOPTED this 7th day of May, 2018.

(SEAL)

Gregory N Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager/tp



Request for Commission Action

Date: 5/1/18

Requestor: Patrick Steward, Director of Public Improvements

Action Requested:

Consider two Ordinances and a Resolution regarding zoning cases.

Analysis:

Case PC2018-01: This case considers the rezoning of property at 812 Mansfield and 317 W 8th. The applicant has purchased the property and expressed desire to utilize the property for a commercial use. The property is currently zoned R-3, High Density Residential. The Ordinance considers a change to C-2, Restricted Commercial. The Planning Commission voted to recommend approval of the zoning change.

Case PC2018-02: This case considers the rezoning of property at 501 Harter. A donor has plans to purchase the property for utilization by a non-profit group for the loaning of medical equipment. The property is currently zoned R-1, Low Density Residential. The Ordinance considers a change to R-3, High Density Residential which allows consideration of a conditional use for use of the property by a non-profit institution of an educational, philanthropic or eleemosynary nature. The existing size of the parcel limits any increase in the number of dwellings allowed but does allow additional conditional use options. The Planning Commission voted to recommend approval of the change.

Case PC2018-03: This case considers the conditional use permit portion of the previous case to allow a use by a non-profit institution of an educational, philanthropic or eleemosynary nature. The applicant intends to utilize the property for the Winfield Medical Loan Closet. A non-profit that loans medical equipment to those in need. It operates on a by appointment basis. The Planning Commission voted to recommend approval of the conditional use.

Fiscal Impact:

None

Attachments: Ordinance (2), Resolution

A RESOLUTION

AUTHORIZING and directing the Mayor and Clerk of the City of Winfield, Kansas, to enter into an agreement with **Dennett Tree Service** for the demolition and removal of the structure, *A house on a tract of land in the West Half of the Northwest Quarter of Section 28, Township 32 South, Range 4 East, described by metes and bounds, as follows: Commencing at a point on East side of Right-of-way of Kansas City and Southwestern Railroad at intersection of the South side of Ninth Avenue of the City of Winfield with said right-of-way; thence East on the South line of Ninth Avenue, 50 feet; thence South 140 feet; thence West to East line of Right-of way to point of beginning. Commonly known as 623 W. 9th Ave. Recorded in Book 0861 Page 0058, in the Office of the Register of Deeds of Cowley County, Kansas.*

WHEREAS, 16th day of January, 2018, after proper notification of the owner and publication in the official city newspaper, a public hearing was held before the Governing Body of the City of Winfield, Kansas, Bill No. 1808, Resolution No.0718, and,

WHEREAS, said structure and improvements were found unfit for human habitation, a blight on the neighborhood; and,

WHEREAS, Dennett Tree Service, gave the most prudent quote for demolition and removal and provided the required insurance documentation listing the City of Winfield, Kansas, as an additional insured.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Mayor and Clerk of the City of Winfield, Kansas are hereby authorized and directed to execute an agreement with, Dennett Tree Service, for the demolition and removal of the structure located *on a tract of land in the West Half of the Northwest Quarter of Section 28, Township 32 South, Range 4 East, described by metes and bounds, as follows:*

Commencing at a point on East side of Right-of-way of Kansas City and Southwestern Railroad at intersection of the South side of Ninth Avenue of the City of Winfield with said right-of-way; thence East on the South line of Ninth Avenue, 50 feet; thence South 140 feet; thence West to East line of Right-of way to point of beginning. Commonly known as 623 W. 9th Ave. Recorded in Book 0861 Page 0058, in the Office of the Register of Deeds of Cowley County, Kansas, a copy of which is attached hereto and made a part thereof the same as if fully set forth herein.

Section 2. This resolution shall be in full force and effect from and after its adoption.

ADOPTED this 7th day of May, 2018.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager / ja

A RESOLUTION

AUTHORIZING and directing the Mayor and Clerk of the City of Winfield, Kansas, to enter into an agreement with **Lawrence Crushed Stone** for the demolition and removal of the structures, *a House and detached garage on a tract of land legally described as; East Half of Lot 7, and all of Lot 8, block 202, Andrews Addition, Winfield, Kansas. Commonly known as 515 E 3rd Ave. recorded in Book 0931 Page 0833*, in the Office of the Register of Deeds of Cowley County, Kansas.

WHEREAS, 16th day of January, 2018, after proper notification of the owner and publication in the official city newspaper, a public hearing was held before the Governing Body of the City of Winfield, Kansas, Bill No. 1807, Resolution No. 0618, and,

WHEREAS, said structure and improvements were found unfit for human habitation, a blight on the neighborhood; and,

WHEREAS, Lawrence Crushed Stone, gave the most prudent quote for demolition and removal and provided the required insurance documentation listing the City of Winfield, Kansas, as an additional insured.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Mayor and Clerk of the City of Winfield, Kansas are hereby authorized and directed to execute an agreement with, Lawrence Crushed Stone, for the demolition and removal of the structure located on the *East Half of Lot 7, and all of Lot 8, block 202, Andrews Addition, Winfield, Kansas. Commonly known as 515 E. 3rd Ave. Recorded in Book 0931 Page 0833*, in the Office of the Register of Deeds of Cowley County, Kansas, a copy of which is attached hereto and made a part thereof the same as if fully set forth herein.

Section 2. This resolution shall be in full force and effect from and after its adoption.

ADOPTED this 7th day of May, 2018.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager / jha



Request for Commission Action

Date: May 1, 2018

Requestor: John Adams, Code Enforcement Inspector

Action Requested: Seeking approval of 2 authorizing resolutions to enter into an agreement with Lawrence Crushed Stone and Dennett Tree Service for the demolition and removal of 2 structures.

Analysis: 623 W. 9th – Low bid was submitted by Dennett Tree Service in the amount of \$7400.00
515 E. 3rd – Low bid was submitted by Lawrence Crushed Stone in the amount of \$6950.00

Fiscal Impact: Assuming the owners of each structure fails to pay the cost of removal the total cost of two demolitions will be \$14,350.00

Attachments: Authorizing Resolution for 623 W. 9th Ave.
Authorizing Resolution for 515 W. 3rd Ave.



Request for Commission Action

Date: April 30, 2018

Requestor: Gus Collins

Action Requested: Consideration for approval of proposed project consisting of rehabilitation of 6 sanitary sewer manholes. These manholes are located in the West 33rd. and Meadowlark Ln. area. Request the project be completed by Mayer Specialty Services at a total cost of \$25,460.00.

Analysis: The city has over 1,500 manholes in the sanitary sewer system, varying in both volume and application. Employees conduct routine inspection of manholes with high usage in certain problematic areas in the collection system. Manholes identified for the proposed project are severely deteriorated due to Hydrogen sulfide (H₂S) gas, resulting from force mains connected to the gravity system. Manholes will be cleaned, and all deteriorated concrete removed. The walls will then be built back to original thickness and structural integrity using a cementitious material designed for use in a sanitary sewer. A spray on coating called Zebron is then applied to protect the manhole from future damage. This product is resistant to H₂S gas as epoxies are, however it remains pliable, so it will not crack. Epoxies harden and are prone to cracking.

Fiscal Impact: Project was included in planning of 2018 budget for rehabilitation/ replacement of existing infrastructure.

Attachments: Mayer Specialty Services is the only licensed applicator for this product in the area. Can provide supporting documents if necessary. A map of the area with the manholes highlighted is attached.



Request for Commission Action

Date: May 1, 2018

Requestor: Brenda Peters

Action Requested: Discussion Item for credit card vendors and fees charged to the customer instead of the City continuing to absorb the fees.

Analysis: The City has utilized the acceptance of credit cards for payments since the early 1990s. Since that time, the fees incurred for this service has been borne by the City of Winfield. With the massive increase in the use of credit cards for payments, especially over the past five years (approximately), fees that the City absorbs for this convenience is approaching \$120,000 annually. The only way to cover these convenience fees (that are not a benefit to all citizens and utility customers) is through rates and fees that everyone pays.

There is an exception: Any golf course retail sales (pro shop and concessions) cannot be charged any kind of fee.

After much consideration, staff recommends the choice of GovPayNet as the City's future credit card provider for the following reasons:

GovPayNet currently provides a payment-by-phone option which is important to us that customer service representatives are not tied up on the phone multiple times daily.

City employees would then have no access whatsoever to the customer's credit card information.

Studies show that approximately sixty percent of credit card use for governments is debit cards, and the fees for our customers using debit cards would be lower with GovPayNet.

GovPayNet will provide as many credit card swipe machines as is necessary at no cost to the City.

Fiscal Impact: Possible annual savings to the City of approximately \$118,000.

Attachments: Credit card vendor summary



Request for Commission Action

Date: May 1, 2018

Requestor: Jeremy Willmoth, City Manager

Action Requested: Seeking approval of the attached Governing Body Manual.

Analysis:

Since the last time we discussed this document, we decided to review the manual and make sure that it was clear that the role of Mayor is not overstated in our form of Government. We also wanted to make sure that our manual reflected our recent discussions about public interaction at City Commission meetings. The following changes were made:

Page 21: Second paragraph under the heading "Citizen Comments at Commission Meetings" was changed to just mention the three-minute time limit. First paragraph under the heading "Citizen Comments on Agenda Items During the Meeting" was changed to make sure we were not restricting access to those who may have a physical impairment from presenting from their seat if they are not able to come to the dais.

Page 26: The section titled "Preventing and Resolving Conflicts with the Mayor" was removed as it was duplicative with the next section and gave the appearance of the Mayor having undue influence in our system of government. The next section "Preventing and Resolving Conflicts with Other Commission Members" was rewritten to clarify that all conversations must be in accordance with the Kansas Open Meetings Act. The last section titled "Staff Communications with Commission Members" has also been modified to clarify that the intent is not to prevent constituents from contacting their Commissioner, but to keep the integrity of the City management structure intact and to help prevent Commissioners from being embroiled in employee personnel issues.

Fiscal Impact: This item has no fiscal impact.

Attachments: Proposed Governing Body Manual.



GOVERNING BODY MANUAL

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Introduction 1

Thank you for choosing to contribute to the ongoing success of the City of Winfield! This manual is designed for the Governing Body and is particularly helpful for newly-elected or appointed Commission members. It contains information about the structure of our government and the role of the elected officials in that structure. The primary focus centers on the Commission meeting, which is where the formal role of the Commissioner is exercised. Use this manual as a tool to assist you in your role as a member of the City's Governing Body.

This manual is to be used in conjunction with the "Governing Body Handbook", published by the League of Kansas Municipalities. General information regarding Kansas Law and other topics are contained in the League publication, although because the League serves more than 600-member cities having several different forms of governance, the Winfield-specific document is most helpful to Winfield officials. If your questions cannot be found in this publication, contact the City Manager who will get your question(s) answered.

Being an effective leader and member of a group of elected officials is not something which magically happens just because you are elected or appointed to office. Leadership and team skills must be learned. You will need to listen to the residents of the City and then work effectively with the rest of the Governing Body to achieve the goals for the entire City.

So Now You're a Commissioner

By their action, the people of our community have given you a vote of confidence and expressed faith in your ability to act in their best interest. As a newly elected or appointed member of the City Commission, there is a lot to learn about providing leadership and governing our community. But don't take yourself or the business of governance so seriously that you don't also enjoy it. It can and should be an enjoyable and fulfilling experience.

Your First Days on the Job

In January, newly elected officials are sworn in following the general election in November and receipt by the City Clerk of the Certificate of Canvass from the Cowley County Board of Commissioners.

New Commission members may be overwhelmed at first by all they need to learn, and the amount of time involved. Others are surprised to discover there are limits on their role in making decisions and setting policy. What is clear, however, is that it is a very big job.

Getting Oriented

First thing to do is attend the orientation sessions provided by City staff. During the sessions, the city manager and directors will brief you on core services and current projects. It is a broad overview of the functions of the City. Tours of key City facilities and services are also provided. Take this opportunity to learn all you can about the City organization, its history, operations and financing. This would be a good time to visit with the Mayor and other Commission members to gain an insight into their perspectives and experience.

Review Key Documents

You will receive information at orientation sessions that you can read later and use as reference during your time on the Commission. You will also receive other documents such as the Code of Meeting Procedure which will help you do your job. These are your documents so feel free to take notes and highlight anything you deem important. Don't be afraid to ask questions; you are not expected to know all the answers immediately. Find out about anything you need to know for a better understanding of City operations and issues facing our community. The information will come fast and furious, so don't worry about going back and getting items clarified or getting a more in-depth explanation until later.

Legal Restrictions

Keep in mind that our City's ordinances, as codified in our municipal code book, as well as other legally adopted regulations, such as the traffic code and zoning regulations, must be followed until the Governing Body acts to amend them. If you are unsure of your responsibilities or authority in certain areas, seek clarification from the City Manager or City Attorney.

Value and Respect Your Staff

Recognize that the City has an experienced and professional staff and that these individuals are a valuable resource – treat them with respect and don't take them for granted.

Much of the staff have served the community for many years and have a valuable historical perspective which can help fill in the gaps for a new Commission member.

Take it Slowly

Resist the urge to recommend drastic changes before you know how everything works. Many of the City's policies have evolved over years through trial and error. While some things may appear to need an overhaul, it pays to watch for a while before trying to change things. Don't seek change simply to do things differently! Give yourself some time to learn the fundamentals.

Public and Private Sector Differences

A word of caution...You may have run for office with the pledge to "run the City like a business." While there are similarities, there are some important differences between the public and private sectors that will become apparent as you get used to your new role.

Some of those differences are:

- **Most of your work will be done in the public eye.** Consequently, things move more slowly and take more time. Deliberations of the Governing Body are done in public meetings, and most records are available to the public.
- **City programs and facilities don't pay for themselves.** We don't charge fees to cover all costs for programs, such as senior services or recreational facilities like the aquatic center and the golf course. These programs are offered as part of the quality of life of the community, which is why they are supported by tax dollars. Also, we want all members of the community to be able to participate and use the facilities, not just the wealthiest. The City has an obligation to all its citizens, regardless of their socio-economic level, to provide a high quality of life.

- **The City is not a “for profit” organization.** Taxes are levied in an amount adequate to provide for the needs of the community, not to make a profit. Even enterprise funds, which are run like a business, only charge for their services so they can meet the current and future needs of the City.
- **You can operate the City in a “business like” manner, but not like a business.** Not all normal business principles apply to a municipality. We are governed by many state and federal laws which businesses are not required to follow.
- **City projects and contracting often must go through a public bidding or proposal process.** This takes time and sometimes costs more. The benefits are enhanced trust in the ethics of city officials and cost-savings in the long run.

It can be overwhelming to begin a new term alongside others who have been participating for a while. Here is some helpful advice that may ease the transition:

- **Learn all you can about the City.** Listen to everyone “until your ears bleed”. Soak it up. After six months in office, you will round out the picture of the complexities of City government and your role in the process. Spend time with those individuals who have different opinions from yours. Listen, don’t argue the points, then rethink your position if you feel it is warranted.
- **Devote sufficient time to the office.** Considerable time goes into staff reports provided to you. They contain critical information you will need when considering an issue. If you need additional information, ask for it early enough so that it can be shared with the rest of the Commission. Carry a notebook for the first six months and write things down to help you keep on track.
- **Maintain papers and documents** that you will need to refer to in the future. It will help you review items previously covered and save valuable time.
- **Don’t be afraid to say, “I don’t know.”** On most items, staff has been working for months or years and we sometimes forget that not everyone has been involved in every step of the process. If something is confusing, or unclear, please speak up as we want every commissioner comfortable with the information provided before making decisions.
- **Don’t make promises you can’t deliver!** Policy decisions are made by the Commission, not individual members; administrative decisions are the purview of the city manager.
- **If you come on board as a big critic** of the “way things have been done,” you may be surprised to find how hard the job really is. You’ll soon gain a better appreciation for those who came before you.

- **Don't waste valuable meeting time** with questions or issues that could have been handled beforehand by a phone call or an email to the City Manager.
- **The job can be very complex.** Try to stay focused on the big issues. Don't get mired in the minutiae.
- **Ask for help when you need it.** Don't be afraid to ask the City Manager, the Mayor or other Commission members. Ask for advice when you need help. You'll get empathy and a clearer vision from someone who has been there
- **Network with your peers.** Meet with other elected officials from neighboring communities. They can provide support and new ideas. Get involved in the Chamber of Commerce, and Cowley First (the county-wide economic development organization), the League of Kansas Municipalities, or the National League of Cities organizations.

City Classification

By State Law, cities in Kansas are designated by one of three classes based on the size of their population. In general, there are no advantages or disadvantages to being one classification versus another. City classification is an historical legacy of the state legislature pre-dating Home Rule authority, although it is still a general reference tool for City size. Cities can choose to remain a City of the third class until their population exceed 5,000. Cities can choose to remain a City of the Second class until their population exceeds 25,000. All Cities over 25,000 must be a City of the first class. Winfield is a City of the Second Class based upon our population. We could be eligible to be a City of the first class when our population exceeded 15,000.

Home Rule

All cities in Kansas have home rule powers, the ability to govern themselves without direct involvement from the state. Home rule powers are conferred directly by the Kansas Constitution on all classes of cities. Cities exercise their home rule powers through the passage of an ordinary ordinance or a charter ordinance.

Home rule power is not absolute. Cities must comply with state laws that apply uniformly to all cities and must conform to applicable federal laws and to the U.S. Constitution and the Kansas Constitution. In exercising home rule powers, cities may legislate on any subject other than those reserved to the exclusive jurisdiction of the legislature by the Home Rule Amendment itself.

Winfield Form of Government

There are essentially three forms of government for Kansas municipalities: Mayor-Council (used by most third-class cities); Commission (where Commissioners are department heads); and City Manager. Under the City Manager form of government, there are three options: Commission-Manager; Mayor-Council-Manager; and, Council-Manager.

Winfield operates under the Commission-Manager form of government, a system that combines strong political leadership of elected officials with strong managerial experience of a professional City Manager. This form establishes a representative system where all power is concentrated in the elected commission and where the commission hires a professionally trained manager to oversee the management of the City's operations and its delivery of public services, including policy decisions of the City Commission. The Commission establishes goals and policies which the staff executes under the supervision of the City Manager.

This form of local government started as a reform movement in the 1920s to clean up city government from the patronage politics of the old ward party and elected department

head systems. Its intent was to combine the disciplines and efficiencies of strong business management with a governing body elected by all the people in the community that would be responsive to all the citizens and their needs and wishes. The Commission-Manager form of local city government and similar City Administrator forms are used by nearly all cities with a population of 5,000 or larger in Kansas and the surrounding states.

The largest differences in our form and the other two are predominately that in the Commission-Manager form, the Mayor is selected amongst the three elected Commissioners and the Commissioners are elected at large, and in the Council-Manager form the Commission is broken into wards. The Mayor is the presiding officer of City Commission meetings. When the Mayor is not present, another Commissioner shall fill that role as presiding commissioner during that meeting. For purposes of this document, Mayor, Chair, and presiding commissioner shall be used interchangeably.

Additional Related Information

Additional related information can be found in Chapter 1 of the Governing Body Handbook, published by the League of Kansas Municipalities.

Terms. The person receiving the largest number of votes is elected to a four-year term and the person receiving the second largest number of votes is elected to a two-year term. The Mayor is selected each year by the governing body to serve for the ensuing year.

Meetings. The City Commission invites and encourages the public to attend all Commission meetings. The Commission meets regularly in the Community Council Room on the first floor of the City Hall building, 200 E. Ninth. Meetings are on the first and third Monday of each month at 5:30 p.m. Should a regular meeting fall on an observed Holiday, the meeting will be held on the next day that is not an observed Holiday.

Work sessions, to discuss City issues and provide information to the public and City Commission, are held at 4:00 p.m. the Thursday prior to the regular meeting in the same location as the regular meeting.

Pay. Each Commissioner receives as compensation \$600 per year, payable fifty dollars per month.

The principal job of the City Commission is to establish the general policies under which the City operates.

The Commission performs this function by:

- Enacting ordinances, resolutions and policies;
- Establishing City fees and utility rates;
- Approving the appointment of the City Manager, members of various boards and commissions, and vacant Commission seats;
- Reviewing and approving the annual budget, setting the tax rate and approving the financing of City operations; and
- Authorizing certain contracts to be executed on behalf of the City.

It is not the role of the Commission member to administer City affairs. The Commission sets policy, and the City Manager is charged with implementing them.

The City Commission gives direction to the City Manager as a body in votes made in public meetings, not individually.

City Commission members are elected to look after the interest of the entire City. Your effectiveness depends on you thinking and voting for the needs of the whole community.

Commission members must work together to provide policy decisions that benefit the community and provide quality service to all the City's residents. Once the Commission decides, it becomes the entire Commission's decision. If you are asked about the issue and do not wish to defend it, simply explain why the Commission made the decision it did.

Adopting Policy

The Commission does not make policy in a vacuum. The Commission relies on input and ideas from many sources, including staff, advisory boards, citizens, groups and others. It is the Commission's responsibility to consider the merits of each idea and then approve, modify or reject it. In doing so, Commission members analyze community needs, program alternatives and available resources. The decision often takes the form of an ordinance or resolution, although it may be in the form of a simple motion.

Responding to Citizen Complaints

Residents often contact a Commission member when they have a problem. You may also be approached by a citizen, colleague, or even a friend about City operations, issues or service problems. Often, they approach you because they aren't aware that contacting the City Manager or City staff directly is appropriate. Help them understand this by

acknowledging and redirecting them. You may say: “Yes, I can see that upset you. I apologize you had that experience. Have you shared this with the City Manager?” or “I don’t have an answer for you right now, but let me look into it and get back with you.”

If you personally take on the citizen request, contact the City Manager and he or she will direct the request to the appropriate department or staff person for resolution. Keep in mind that neither you nor the Governing Body has the authority to direct staff to take any action, but if you believe a policy needs to be discussed that is within your right to request be added to an agenda for further consideration.

So, Who Manages City Operations?

It is not the role of the Governing Body or any of its members to administer City affairs. The Governing Body sets policy. The City Manager sees that policies are implemented. It is not the role of a Commission member to supervise City employees on the job or become involved in day-today administration of City affairs. Contact with staff should be through the City Manager except for general questions and even then, the City Manager should be notified as a courtesy.

Relationship with City Attorney

The City Attorney’s job is to provide legal advice and counsel to the City, which includes advising the entire Governing Body, staff, and boards and commissions. If you have been contacted by someone to appear as a witness in your capacity as a Commission member or been served a legal notice in your capacity, immediately contact the City Attorney.

While generally it is best to ask your questions of the City Manager, who can answer most of them, you can contact the City Attorney directly if you think it appropriate. Remember, the City Attorney is a local attorney in private practice working part-time under contract with the City. If there is a legal issue that you need an immediate response to, it is better to err on the safe side and call the attorney.

Personnel Management

The Governing Body approves the City’s compensation plan and personnel policies. It also hires the City Manager and approves their contract. All other personnel actions, unless specifically defined in the personnel policy, are the duty and responsibility of the City Manager. They are responsible for the hiring, discipline, promotion, demotion and termination of all City employees.

Examples to Help You Understand Your Role in the Organization

An employee comes to me with a gripe or problem, what should I do?

You should direct the employee to his/her supervisor, the Human Resources Director or remind them that the City Manager has an open-door policy for all employees. Afterwards, give the City Manager a courtesy call to keep them in the loop.

Is the City Manager required to inform Commission members prior to disciplining or terminating an employee?

No. However, if a termination may prove controversial, they will likely inform you.

Can we talk about personnel issues during a Commission meeting?

Not if they are about an individual - this discussion should be done in executive session. You should only discuss general personnel policy issues in open session.

Here is some helpful advice that may help clarify your role in the organization provided by the League of Kansas Municipalities:

- **Lead by example.** Be honest, consistent, and flexible. Don't play games.
- **Use common sense.**
- **Don't be stampeded into action** by the strong demands of special interest groups or individuals. Your job is to find the long-term public interest of the entire community.
- **Be clear on what you stand for.**
- **Be open to others' ideas.** Don't assume that only you know the best way to accomplish things. Every issue will benefit from additional discussion. No one has a monopoly on good ideas.
- **Sometimes we underestimate the potential impact of an elected official's leadership.** Use the dignity of your office to help the community get past contentious issues.
- **There is a tremendous amount of discomfort in making public decisions.** Sometimes the decisions feel like the end of the earth. It's easy to fear the political consequences. But it is important to look a little more long-term in perspective, weigh everything and reach good decisions.
- **You won't be able to satisfy all the people,** and you must know that. Listen fairly...listen thoughtfully...and then do what you feel is right.

- **Get to know staff and what they do.** Let folks know how much you appreciate them and give credit where credit is due. They are a very valuable asset, and they have committed themselves to making the community a better place.
- **Be consistent.** Treat everyone equitably and keep relationships professional.
- **Don't surprise staff at a meeting.** If you have a question or issue, let them know in enough time so they can provide the answer to you.

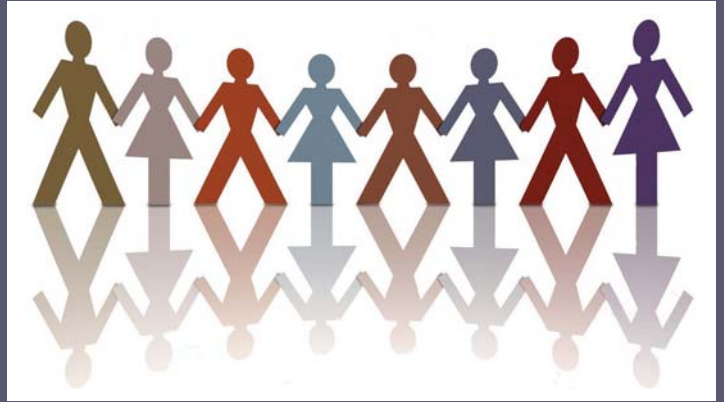
The Governing Body hires the City Manager to serve the community and brings the benefits of education, training and experience in leading and managing local government organizations, projects and programs.

The City Manager:

- supervises all the City's departments and employees to ensure laws and City ordinances are enforced and policies implemented;
- serves as the City Commission's chief advisor and carries out the Commission's policies;
- recruits, hires, disciplines, and terminates employees;
- prepares a budget for the City Commission's consideration;
- fulfills a leadership role in the community as a means of advancing the interests of the City;
- works in partnership with elected officials to develop sound approaches to community challenges;
- helps the governing body develop a long-term vision for the community that provides a framework for policy development and goal setting;
- promotes ethical government through commitment to a set of ethical standards beyond those required by law; and
- encourages inclusion and builds consensus among diverse interests (including elected officials, the business community, and citizens).

Commission members and citizens count on the City Manager to provide complete and objective information, pros and cons of alternatives and long-term consequences of decisions and policies. Similarly, the City Manager relies on City staff to provide professional and well-reasoned information and recommendations, and the highest level of public service possible.

COUNCIL AND STAFF RELATIONSHIP



What the Council expects from the staff

- No surprises
- Speak in simple terms
- Understand what the community cares about
- Make recommendations that are reliable, professional, and based on facts, not emotions
- Show commitment to the organization and the community
- Understand how important it is for citizens to trust their local government

What the staff expects from the Council

- Set broad policy for the City, not get involved in day-to-day decisions
- Respect the staff's professional training and expertise
- Respect the staff personally
- Trust that the staff is trying to do good for the community
- Give staff the freedom and resources to carry out the mission
- Speak as a Council, not just as individuals
- Don't expect staff to take action if other council members don't support your issue

What will the Council do to support the staff?

- Back up the staff
- Trust staff's recommendations
- Respect staff expertise, training, and knowledge
- Give staff the freedom to decide how best to carry out goals
- Educate the community
- Communicate priorities as a Council, not just as individuals
- Give staff a heads-up when possible

What will the staff do to support the Council?

- Do their jobs skillfully and with integrity
- Encourage community input
- Maintain a professional demeanor
- Identify policy issues and take them to the Council
- Respond to Council needs and requests
- Provide best practices and consult with other cities who do things right
- Provide a range of options and explain the consequences of each
- Educate the Council

Policy Actions of the Governing Body 6

The Governing Body adopts policies for the City and itself to provide for safe, equitable and efficient City operations. It also adopts policies to regulate and administer its own conduct and operations. Policies are adopted by the Governing Body in several different forms.

These are:

- **Ordinary Ordinance.** An Ordinary Ordinance (Ordinance) is a local law of the City, prescribing rules of conduct. It is used for a variety of purposes, including administrative action, such as establishing the employee compensation plan, or as an action to control the conduct of the public. Ordinances are also used to amend the City's zoning and subdivision regulations, which are also laws of the City. Passage of an Ordinance requires a majority of affirmative votes by the City Commission. Even if a position is vacant due to death or resignation, a full majority of the full body is still required. An abstention on an ordinance counts as an abstention and not with the prevailing side as with non-ordinance matters.
- **Charter Ordinance.** Kansas law allows cities to "charter out of" or exempt themselves from some state statutes and establish their own regulations when the State Law is not uniformly applied to all Cities. Passage of a charter ordinance requires a majority of affirmative votes by the City Commission. Even if a position is vacant due to death or resignation, a full majority of the full body is still required. An abstention on an ordinance counts as an abstention and not with the prevailing side as with non-ordinance matters.
- **Resolution.** This is a less formal action than an Ordinance and acts more as an expression of the opinion of the Governing Body. Passage of a Resolution requires a simple majority vote of City Commission members present and voting.
- **Proclamation.** These are issued by the Mayor and used primarily to focus the thinking of the community on a given subject for a specified period of time. Examples would be "Fire Prevention Week", "Public Works Week", "Local Government Day", etc. The subject matter of the proclamation should bear some relationship to municipal government.
- **Governing Body Policies.** A Governing Body policy is an internal or administrative action to address issues not covered by a City ordinance, regulation, or the municipal code book and establishes rules and requirements not listed in any of those other publications. Passage of a Governing Body policy requires a simple majority vote of City Commission members present and voting.

The Commission Meeting 7

The Commission meeting is the place to get the critical job of decision-making accomplished. A smoothly managed and productive Commission meeting does not necessarily guarantee good results, but it certainly helps. The Mayor's role is to chair the meeting. If the Mayor is not available, the presiding commissioner shall take this role for that specific meeting. As the moderator, the Mayor helps facilitate the meeting while allowing full Commission participation, maintains order and decorum, and sees that all motions are properly dealt with as they arise.

The Agenda

The agenda is developed by staff and disseminated to the Governing Body and the public before the meeting. The staff prepares a read-ahead packet of information that is normally posted on-line at <http://www.winfieldks.org/agendacenter> or, if requested, on paper to your residence or other designated location. The read-ahead packet contains the agenda and supporting material for each agenda item. Every item is accompanied by a staff report which gives you most if not all the information in advance of the staff presentation at the meeting. If an item on the agenda is a large size or volume, such as a contract or plat document, the necessary information will be summarized in your packet and the actual document will be available for review in the City Clerk's office and at the meeting itself. Oftentimes, large documents are posted on the agenda web page. Meeting minutes are posted on this web page rather than printed in paper packets.

The Mayor or Commission members can change the order of business or add/delete items the night of the meeting by majority acceptance from the Commission at the beginning of the meeting.

The Meeting

Even the best-planned Commission meetings can deteriorate into endurance contests. These are not always the most productive meetings – exhausted people don't always make the best decisions. To have a smooth-running meeting, the following is the order of business for the Commission meeting and the procedures that will be followed.

1. **Call to Order**
2. **Roll Call.** Roll call by voice of all governing body members.
3. **Consideration of Minutes.** Approval or correction of the minutes of the previous meeting.
4. **Public Hearing.** When necessary, these hearings are times for the public to address the City Commission about matters on the agenda requiring a public hearing. Some examples are zoning issues, nuisance property condemnations, budget amendments, etc. Only comments allowed during the public hearing are

those germane to the topic as they become a part of the official record for that action item.

5. **Presentations.** If there are any presentations or proclamations to be made, they will normally be done at this point in the meeting.
6. **Public Forum.** This is to allow the public to comment on any subject excluding those items designated for a public hearing. If the issue is on the meeting agenda, the presiding commissioner may ask for comments to be made when the item is called rather than during the Public Forum. People making comments are required to state their name and address and keep their comments to 3 minutes. If they have written material to share with the Governing Body, they may pass it to the City Clerk for distribution to the Commission. They must also provide a copy to the City Clerk. The presiding commissioner with Commission approval may limit the amount of time to speak or the number of speakers if the same comments are repeated or it hampers the progress of the meeting. The Public Forum is also an opportunity for Commission members and staff to make comments or pass on information.
7. **Old Business.** The regular agenda includes any unfinished business to be dealt with.
8. **New Business.** Items are listed on the agenda in the order they will be addressed. The regular agenda includes new business. Normally items on the agenda are for action, but there may be instances when items for discussion are included as an informational presentation either for the benefit of or at the request of the Governing Body, though informational items will normally be dealt with during work sessions.
9. **Other Business.** These are items that are not required to have a formal Ordinance or Resolution, but do require City Commission approval before action can be taken. Examples of these items are: leases for equipment; liquor licenses; changing of Meeting dates/times, etc.
10. **Executive Sessions.** Closed sessions are authorized by the Kansas Open Meetings Act (KOMA) after a formal motion has been made, seconded and carried to recess into executive session. No formal action of the City Commission can be taken during an executive session. The most common topics that can be discussed in executive session are:
 - Personnel matters of non-elected personnel;
 - Consultation with attorney on matters deemed to be of attorney-client privilege;
 - Confidential data relating to financial affairs or trade secrets of second parties;
 - Discussions about acquisition of real estate; or
 - Discussions concerning security matters.

The content and discourse of executive sessions are not to be told to anyone nor discussed outside the session, even with other Commission members. Any official who knowingly violates KOMA is liable for the payment of a civil penalty of up to \$500, if the action is brought by the attorney general or a county or district attorney and may be sanctioned by the Governing Body. For more detailed information on KOMA, refer to the League's *Governing Body Handbook*.

Motion for Executive Session

In 2017, HB 2301 made changes to the Kansas Open Meetings Act (KOMA) by modifying the procedure under KOMA for executive session. The bill requires any motion to recess for a closed or executive session to include a statement describing the subjects to be discussed during the closed or executive session and the justification for closing the meeting and the time and place the open meeting will resume.

Here is an example of a proper motion to recess into Executive Session:

I move the City Commission recess into Executive Session **to discuss an individual employee's performance (subject to be discussed) pursuant to the non-elected personnel matter exception, K.S.A. 75-4319 (b)(1) (justification for Executive Session by State Statute). The open meeting will reconvene in the Community Council Room at 6:30 pm (time and place to resume the open meeting).**

Meeting Guidelines

- ▶ Meetings start on time.
- ▶ Meetings end at a reasonable hour.
- ▶ Stick to the agenda.
- ▶ All members participate.
- ▶ Members do not engage in side conversations during the meeting.
- ▶ Stay focused and act efficiently – be respectful of another people's time.
- ▶ Don't attempt to engineer "how to" details at the meeting.
- ▶ Stay on topic, don't jump to other items or away from the topic at hand.
- ▶ Members do their homework.
- ▶ Members actively listen to each other, to speakers, and to presenters.
- ▶ Don't "hog" the conversation; let other Commission members state their thoughts.
- ▶ Unnecessary meetings are not called.
- ▶ Packed audiences do not unduly sway the Commission.

Voting Guide

Quorum

A majority of Commission members must be present at the meeting to constitute a quorum. This means two members of the three-member Commission must be present.

Abstentions

Commission members are discouraged from abstaining from voting on any issue before the Commission, unless a conflict of interest exists. When a statutory conflict of interest exists, the member should explain that he or she has a conflict and excuse himself or herself before discussion begins and leave the Commission Room until the item has been resolved by the remaining members. For those non-ordinance matters where an abstention is used, such a vote shall be counted as for the prevailing side.

Questions & Answers

Q. Can the Mayor unilaterally adjourn an uncompleted Commission meeting?

A. No, not in normal circumstances. The Mayor can request that a Commission member move that the meeting be adjourned, but the motion and subsequent vote are up to the Commission. If there is a disruption during a Commission meeting which requires a break in the meeting to restore order, it would be appropriate for the Mayor to announce that the meeting is recessed for ten minutes, but other than such circumstances, it is up to the Commission whether they wish to continue dealing with business.

Q. Can the Mayor call on whichever Commission members he or she prefers for speaking privileges?

A. No. The Mayor recognizes Commission members in the order in which they raised their hands to request their turn to speak.

Q. Can the Mayor unilaterally cut off debate?

A. No, cutting off debate requires a motion to call the question. It requires a second and a majority vote. As a meeting management tool, the Mayor may suggest when debate has extended past the point of new information being shared or when the hour is late.

Q. If the Commission passes an ordinance at one meeting, can that ordinance be reconsidered at the subsequent meeting?

A. No. If the ordinance was passed and signed by the mayor, then the ordinance can subsequently be amended or repealed, but not reconsidered.

Here is some helpful advice that may help you in your role provided by the League of Kansas Municipalities:

- **Prepare in advance** of meetings and be familiar with the issues on the agenda.
- **Be careful with executive sessions.** Only use executive sessions for issues that are specifically allowed.

- **Be courteous to each other and members of the public;** let them know you appreciate their comments.
- **Don't spring surprises on fellow Commission members or City staff,** especially at public meetings. If a matter is worth discussing, it is worth putting on the agenda. Surprises may get you publicity, but they may embarrass others and tend to erode the "team" approach to governance.

Citizen Participation at Commission Meetings 8

The public evaluates the performance of its elected officials by what happens at meetings. Many citizens form their total opinions of the City government based on having attended just one Commission meeting. This is the time to impress citizens favorably and show them that the Commission can do its job.

Citizen Comments at Commission Meetings

The “Public Forum” period is a time slot set aside on the agenda for citizens to address the Commission on any subject relevant to the City government, its policies, operations, or services. It is not to be confused with a public hearing, which is a formal proceeding conducted for discussing a specific topic, such as the City budget.

Anyone wishing to address the Governing Body must introduce themselves and give their address for the record. Comments are to be limited to 3 minutes in length. At the discretion of the presiding commissioner, additional time may be granted.

While providing an opportunity to speak on any topic of concern, the presiding commissioner is responsible for maintaining order and decorum. In many cases, the speaker will be directed to meet with staff to resolve the issue or get questions answered. If the citizen has documents or papers they wish to share with the Governing Body that support their comments, they must also provide a copy to the City Clerk as it is now a public record.

Other than asking a question to clarify a statement, members should refrain from entering a dialogue with the citizen especially if that person has voiced an opinion about an employee. This time on the agenda is not intended for a discussion between the Governing Body and the citizen and should not be used for that purpose. Also, if speakers become unruly, it may be necessary for the presiding commissioner to cut them off. Commission members are expected to be polite to citizens appearing before them, but there is no requirement that they subject themselves to intimidation by rude speakers.

Citizen Comments on Agenda Items During the Meeting

The City Commission meeting is designed for the Governing Body to discuss and make decisions on the various issues on the agenda. Other than asking for clarification, discussion should be limited to among the members of the Governing Body. Unless recognized by the presiding officer, members of the audience will not be allowed to enter the discussion beyond the allotted time for public comments. If recognized by the presiding officer, they may be allowed to speak during the discussion if the presiding officer believes their comments are germane to the topic and necessary or helpful for the Governing Body to continue their discussion or make their decision. Each speaker should only speak once unless clarification is requested by the presiding commissioner.

If a planning item is on the agenda which had a public hearing as part of the process with the Planning Commission, the presiding commissioner will not normally ask for public comment, as they had their opportunity to do so at the public hearing with the Planning Commission. The Governing Body will have the minutes of that public hearing, so they can take those comments into consideration during their deliberation. Comments are not normally allowed on an item due to the possibility of new information being presented outside the official public hearing which could open the door to potential litigation.

Public Hearings

When an item requires a public hearing, by statute, the presiding commissioner will open the public hearing and will then facilitate the hearing. Public comments can be made in the same manner as the Public Forum agenda item. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Commission to keep the meeting moving. Public hearings are held to gather data and opinions from the citizenry that facilitate the decision-makers at the Commission meeting.

Public hearings afford the public due process prior to key decisions by the Commission (and boards and commissions). Due process requires that public hearings be fair, open, and impartial. Ex parte communications are communications received outside of the formal public hearing. To protect the due process rights of all, it is important that ex parte communications be disclosed and made a part of the record at the public hearing. Prejudgment of an issue is a denial of due process. It is essential that members of the Governing Body retain an open mind and a willingness to listen to all the evidence and make their ultimate decision because of the public hearing even if they have received information prior to the public hearing.

Here is some helpful advice on how to deal with criticism provided by the League of Kansas Municipalities:

- **At some point, the Commission's action must be defended.** Try to help people understand the factors that influenced the Commission, or discuss the parameters that influence an impending decision which is under attack.
- **When attacked, think carefully before responding.** Know your facts. Be truthful. Credibility is your most important asset in dealing with your critics.
- **Don't belittle small but vocal sources of opposition.** Don't label people.
- **Don't argue.** Maintain decorum and don't get drawn into an argument.
- **Remember that groups which are fostering a narrow self-interest will self-destruct** through an inability to gain mainstream support. Don't overreact.
- **Keep in mind that anger is directed at your role,** not at you as an individual.
- Finally, while remaining respectful, keep a sense of humor.

Consider these pieces of advice when preparing for a meeting:

- **Read the material you have been given for the meeting.** This will give you a good basic understanding of the issues and allow you to intelligently consider and discuss the issue.
- **Give colleagues time to assimilate things.** You'll notice that an idea rejected one day may be presented by the one who opposed it earlier.
- **Don't try to please everyone.** This simply does not work and makes you look weak and indecisive.
- **"We've always done it this way."** Don't become so enamored with precedent that it keeps the group from moving forward.
- **Don't waste quality meeting time dealing with routine questions or complaints** that can be resolved by staff outside the meeting.
- **Alert the Mayor and City Manager before the meeting if you intend to bring up an important issue.** This simple courtesy will help staff prepare background information and avoid embarrassment.
- **Be sensitive to audience perceptions regarding your neutrality** during a recess, especially during hot meetings. If you meet with one group and not with another, you may be perceived as favoring that group.
- **If you disagree with a significant statement or proposal made by a colleague or staff member at a meeting, express the disagreement, in a respectful manner.** Silence may be interpreted by staff as agreement and they may act based upon that assumption.
- **Practice civility and decorum in discussion and debate.** Avoid personal comments that could offend other Commission members, the Mayor, staff or the audience.
- **Honor the role of the Presiding commissioner.** Commission members should honor the role of the Presiding commissioner to focus discussion on agenda items and ensure the meeting moves along in a reasonable manner. If there is disagreement about the agenda or Presiding commissioner's actions, those actions should be voiced politely and with reason.

How to Aid Discussion by Asking the Right Questions

Questions are one of the most important tools you can use to obtain information, focus the group and facilitate decision making. Here are some samples:

Asking of Colleagues

- What do you think about this item?
- What do you think the proposed action will accomplish?
- Would you please elaborate on your position?
- What results are we looking for?
- How does this fit into our priorities?

Asking Staff

- What other alternatives did you consider?
- What are we trying to accomplish with this?
- What are the benefits and drawbacks?
- Will you please explain the process?

Asking of the Public

- How will this proposal affect you?
- What are your concerns?
- What other ways can you suggest for solving the problem?

Preventing and Resolving Conflicts 10

“Always do right. This will gratify some people and astonish the rest.”

-- Mark Twain

It is essential for Commission members to understand their role and how it relates to the roles of the Mayor, City Manager, staff and other Commission members. Many conflicts in City governments are the result of confusion as to these roles and the consequent overstepping of the boundaries between the respective roles.

Preventing and Resolving Conflicts with Other Commission Members

Any conflicts or disagreements with other Commission members should be handled in a way that does not violate the Kansas Open Meetings Act. If it arises during a meeting and cannot wait, then ask for additional clarification or reasoning and center your discussion on the issue, not on the person. Avoid personal comments that could offend other Commission members.

Commission Member Communication with Staff

Requests for information should, in almost all cases, go to the City Manager. If it is a simple request for easily retrievable information that would not involve additional research, then you can email the Department Head directly while copying the City Manager. If you are in doubt about what staff contact is appropriate, ask the City Manager. Any request for a meeting with staff must be directed to the City Manager, unless, again, it is for obtaining simple information. Consider the impact on staff of your requests for information. Do not solicit political support from staff. Also remember, you do not, as an individual Commission member, have the authority to direct the City Manager or any employee to do anything. All direction comes from you acting in concert with the rest of the Governing Body.

Staff Communication with Commission Members

To ensure a consistent management structure, we really need to make sure that City Staff are not directly coming to Commission Members with grievances or concerns about City Operations. They are your constituents, and we do not want to preclude efficient services, but care and consideration should be given to the established management structure when appropriate. Please do not get involved in personnel actions nor allow staff to think they can directly influence you somehow.

Roles of the City Manager and the Governing Body

To alleviate potential conflicts, it is important to understand the role of the Governing Body and the City Manager in the functions of the City. The following table describes most areas of possible conflict or confusion and lays out the role and responsibility for each party.

Policy Making and Implementation

City Manager	City Commission
Keep Commission Informed	Listen to Residents – Keep track of their concerns
Propose Policy	Discuss, develop and adopt City Polices
Implement Policy adopted by Commission	Hold City Manager accountable for policy implementation
Report back to Commission regarding policy implementation, effectiveness, and possible improvements	

Personnel Matters

City Manager	City Commission
Hire, supervise, discipline, promote, demote, and terminate all City employees	Adopt Personnel Policies, establish positions, set wage scales and benefits

Budget and Strategic Planning

City Manager	City Commission
Work with staff to develop preliminary budget and departmental strategic plans	Adopt city-wide strategic plan which provides framework for budget
Present budget to Governing Body and facilitate deliberation process	Discuss and adjust proposed budget to meet established goals and priorities; adopt budget, set mill levy, utility rates and other fees
Implement budget adopted by Governing Body, provide regular financial reports and present alternatives when City is faced with budget issues	Review financial reports and annual audit; make decisions to amend budget when necessary

Meetings of the City Commission

City Manager	City Commission
Prepare agenda; attend meetings; report to Governing Body on matters involving City administration; propose policy initiatives or changes	Deliberate on all agenda items; act on all agenda items; approve policy initiatives and changes

Land Use and Code Enforcement

City Manager	City Commission
Supervise Planning staff, who make recommendations to the Planning Commission and Governing Body on a broad range of planning issues and who implement the plans and regulations approved by the Planning Commission and Governing Body	Adopt and amend zoning code, subdivision regulations and comprehensive plan after receiving input from staff, residents, Planning Commission and others
Supervise codes administration and ensure regulations are enforced fairly and equitably	

City Expenditures and Contracts

City Manager	City Commission
Sign contracts; ensure supervision and enforcement of contracts; recommend a purchasing policy and, once adopted, implement said policy	Authorize execution of contracts; approve a purchasing policy; approve expenditures according to the purchasing policy

Relationship with Other Entities

City Manager	City Commission
Represent the City and speak on its behalf when coordinating and working with other governmental entities.	Members may serve as City Representatives on certain intergovernmental bodies or speak on behalf of the City when designated or as required

“The most important single ingredient in the formula of success is knowing how to get along with people.”

--Franklin D. Roosevelt

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are the motives and spirit behind my actions?
- If I must justify my conduct in public tomorrow, will I do so with pride?
- How would my conduct be evaluated by people whose integrity and character I respect?

- Even if my conduct is not illegal or unethical, is it done at someone else's expense?
- Will it destroy their trust in me?
- Is it just and, morally right?
- Does my conduct give others a reason to trust me?
- Am I willing to take an ethical stand when it is called for?
- Am I willing to make my ethical beliefs public in a way that makes it clear where I stand?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and try to understand the views of others?
- Do I question different points of view in a constructive manner?
- Do I work to resolve differences and come to agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

The secret to successful politics is compromise!

- **Keep disagreements from getting personal.** Discussion should be about the policy and not personalities.
- **Always be courteous to other Commission members,** especially new ones who may not have a full grasp of the issue.
- **Address conflict head on.** Putting an item off to another day does not solve the problem.

- **Don't be overly swayed by a few people who called you or are in the audience.** Remember, you were elected to represent everyone, not just the few that show up for a meeting. Do what's right for the entire community!

Part of being a public official is being subject to public scrutiny. Like it or not, the public expects you to behave according to a high level of ethical standards.

State Ethics Laws

Kansas state law contains certain requirements to achieve a fair balance between public and private interests. The law requires members of the Governing Body to file a Statement of Substantial Interest to disclose to the public the ownership by the officer or his or her spouse of certain personal financial interests. Refer to the League of Kansas Municipalities Governing Body Handbook for the specific requirements contained in Kansas statutes. Contact the City Attorney if you have questions.

Code of Ethics

Public officials have the duty of serving the public with undivided loyalty, uninfluenced by any private interests or motives. Care must be taken not to violate this duty of trust, either in fact or appearance.

Conflict of Interest

A practical definition of when you have a conflict of interest is when your personal interests or life intersect with your official position. It may, in fact, be an appearance issue rather than an actual conflict of interest according to the law. Either way, you should recognize the situation for what it is and develop your strategy to address it in an ethical way.

If a Governing Body member has a statutory conflict of interest on a matter before the Governing Body, before the item is presented for consideration, that person should announce the potential conflict and excuse himself/herself from the Commission Chambers until the matter has been addressed by the remaining Governing Body members. If there is a question of real or perceived conflict of interest, the Commission member with the potential or real conflict should contact the City Manager for an interpretation of the situation prior to the meeting.

Generally, a conflict of interest that would require abstention from the matter would occur in two situations. The first is when the City contracts with a private entity. A member of the governing body may not participate in making a contract with an entity in which he or she has a substantial interest (financial stake, including employment, or a leadership role such as serving on a board of directors).

The second occurs when the governing body takes up a matter in which a member has an interest that is different in kind or degree from that of others affected by the decision. For example, when the governing body discusses a policy of general applicability to land

development, a governing body member involved in real estate or land development does not have a conflict unless the impact of the policy on that member would be different from the impact on others having similar business interests.

Keeping Out of Trouble

The following are some common areas where you can get in trouble by violating state statute or City code:

1. Violating the Kansas Open Meetings Act (KOMA). Violation occurs when two or more Governing Body members meet in person, by telephone, via email, using social media, or by any other means of interactive communication for discussing the business or affairs of the public body or agency.
2. Conducting a “serial meeting” has been a concern under KOMA. A serial meeting involves successive interactive communications collectively involving a majority of the membership, such as by email or using social media, sharing a common topic of discussion concerning public business and intended by any participant to reach agreement on a matter that would require binding action.
3. Not disclosing a conflict of interest during Commission deliberation, nor refraining from participating in discussion and/or voting on something in which you have a conflict of interest.
4. Not disclosing ex parte communication when a quasi-judicial matter is before the Governing Body.
5. Using your office for personal gain or profit.

If you’re not sure what to do, ask: Is it legal? Is it ethical? Is it the right thing to do?

For more information, see “Ethics of Council-Staff Teamwork” attached at the end of this document.

The media is the conduit through which most City business and goings-on reach the public. As such, the media highly influences how the public perceives you and your actions. Elected officials who understand the important role of the media in building public trust and who take a proactive approach to local reporters can go a long way to build positive relationships. These relationships, in turn, are more likely to result in fair, accurate coverage.

Everyone Has a Role in Media Relations

All media inquiries and requests should go through the City Manager who will act as a spokesperson in most circumstances. Occasionally, the Mayor or the appropriate key staff will perform an interview. Nonetheless, every elected official should be prepared to be approached by the media.

Staff will do all the legwork in fielding calls from the media, providing them information, sending out press releases, and organizing media events such as press conferences. You will receive an email via the website on all news releases (copied via email on all press releases) and contacted by the City Manager when it's important for you to give an interview.

Tips to a Great Interview:

- Tell the truth.
- Be courteous and don't play favorites.
- Nothing is "off the record." Ever!
- Always assume that a microphone is live.
- Don't rely on, "No Comment." Try to say something, even if it's: "I'm sorry, but I cannot comment on pending legal matters."
- Never say anything you wouldn't want printed or broadcasted.
- Listen carefully to the reporter's questions. Pause...think...ask for more time if you need it.
- Don't repeat a reporter's negative question in your answer. Reframe the issue accurately.

- Do not speculate. Respond only to the question you've been asked. Avoid giving well-intentioned but inaccurate information.
- Get to know your reporters. Read their columns regularly. If you see a particularly good article, give the reporter a sincere and timely compliment. Mention the article by name or topic.
- If giving a telephone interview, go to a quiet room without distractions. When a question is asked, take a moment to collect your thoughts before responding.
- Use the "Five C's to Interview Success." Speak with conviction in a conversational manner while retaining your composure. Be confident and colorful.
- During times of crisis, citizens need to hear a calm, reassuring and well-prepared message. Do not speculate or guess about the situation. Give facts.

Planning Ahead

An interview with the reporter will go better with some simple advanced planning. Ask what the topic and angle of the story is to be. You don't have to give an interview right away; you can ask for time to prepare. Also...

- **Soundbites.** Develop a short list of your main talking points, and put them into "soundbites" of 7 to 12 seconds each and repeat these key points several times during the interview. This will help the reporter hone in on the message and more easily format the interview for publication.
- **Tough questions.** Be prepared for difficult questions. Think, "If I were the reporter, what would I ask?" Then, instead of responding to a negative question, be prepared to turn the question to make the point you wish.
- **Body language.** Be aware of how body language can send a different message from the one intended. Practice appearing open and relaxed whenever you speak with a reporter. Look at yourself in the mirror. Are you rocking (on your feet or in a chair!), fiddling with jewelry or jingling coins in your pocket? All are distracting and make you appear unprofessional. Standing or sitting with arms crossed may be interpreted as a defensive sign. Instead, assume the "soldier stance" with arms at your sides and feet slightly apart; try to relax and gesture naturally.
- **What Not to Wear.** When appearing on camera, put thought into your choice of wardrobe. Dress conservatively, no stripes or busy designs. Do not wear white next to the skin; it washes you out. Otherwise, wear colors that complement your skin tone, hair color, and personality. Solid-colored saturated blues and greens are the standard.

Practicing in advance with someone close to you can put you at ease.

The budget is one of the Commission’s strongest policy-making tools. Spending guidelines reflect numerous policy decisions. The budget can give a new Commission member a clear view of City policy on many issues. Setting policy through the budget is a continuous, year-long process. It involves setting goals and establishing priorities. Public participation is critical to the budget process, as well as being required by law, because of the many policy decisions involved. Once a budget is adopted, Commission members monitor program progress through periodic reports from staff. If programs are not effectively implementing policy decisions, revisions can be made.

The Governing Body deals with three types of budgets in the master budget document:

- An operating budget for delivering services like police, fire, parks, public works, and administration. The operating budget enables you to set policy. When most citizens think about their City’s budget, they’re referring to the operating budget. The operating budget is primarily financed from the City’s ongoing general revenue sources.
- Utility services or special proprietary facilities provided by the City are separately funded through user fees. These funds are called “Enterprise Funds.” Officially, the City has six: Electricity, Natural Gas, Water, Wastewater, Storm water, and the Quail Ridge Golf Course.
- A capital budget that determines which capital improvements will be bought or built during the budget year and how they will be financed. The master budget document also includes a Capital Improvement Plan (CIP), Equipment Replacement Plan and Vehicle Replacement Plan for a 5-year planning period.

Additional Budgetary Responsibilities

In addition to establishing the City’s property tax levies, the Governing Body also establishes the mill levy for the Library, based on the request from the Library Board. The Governing Body does not control the Library’s expenditure budget but does control the level of property and sales taxes by which it is supported.

The Legal Document

In Kansas, budgets must be balanced – anticipated revenues must equal forecasted expenditures. Unexpected revenues can be appropriated by a supplemental budget modification or can be allocated to reserve funds or to the following year’s beginning balance. Expenditures which exceed revenues can be made only by the Commission

transferring funds from reserve accounts (subject to Commission approval) or by issuing interest-bearing warrants.

Budgeting Method

Winfield uses a line-item or incremental budget. The budget is prepared by adjusting expenses based on current expenditure levels. It shows how much money will be spent on every element of expense, or line item, in every department.

The Budget Calendar

The budget is a living document and can be amended or adjusted throughout the year, as necessary. The standard timetable the City follows to prepare the next year's budget generally starts in March when the City Manager reviews how the previous year ended and previews the budget development process at a Work Session of the City Commission. The City Manager and the budget committee (made up of the City Clerk, City Treasurer, HR Director, and the Assistant to the City Manager) meet one-on-one with each department to scrutinize their proposed budgets and CIP requests, adjusting them as necessary. Throughout June and July, the City Manager presents the recommended budget to the Governing Body where it may direct staff to adjust the budget as it deems necessary. In August, a public hearing is held, and the City Commission formally adopts the budget.

Fiscal Calendar

The fiscal calendar for the City is the same as the calendar year, meaning each fiscal year begins on January 1 and ends on the following December 31.

Putting the Budget Together

The following is the budget process. It is a team effort involving the Governing Body, City Manager and staff.

- **Setting Goals**

The Governing Body establishes goals at its Work Sessions in February and March. This is the Governing Body's opportunity to review the City's programs and its priorities and consider necessary and desired changes for the coming fiscal year. The outcome provides guidance to the staff for preparing the budget.

- **Estimating Expenditures**

Departments prepare estimates based upon a projection of current trends, a forecast of the effects of new programs, and an estimate of what is needed to operate and maintain their services.

- **Reviewing Estimates**

The City Manager and the budget committee review departmental requests, considering policy objectives and priorities for new or expanded programs. What develops from this is a preliminary budget.

- **Estimating Revenues**

The budget committee reviews revenues, asking “What are the factors affecting future revenue flows, and what is the estimated level of revenues for the upcoming budget period?” Once these questions are answered and reviewed by the City Manager, revenue estimates are established and used in the preliminary budget.

- **Adopting the Budget**

The City Manager presents the budget to the Commission and the public for review and adoption. If approved, the budget is adopted by motion. Adoption of the budget authorizes funding specific expenditures with specific resources. As approved, the State budget forms are prepared and submitted to the State within its prescribed timelines.

- **Implementing the Budget**

Staff implements the budget adopted by the Commission, and provides the Commission with periodic reports showing revenues and expenditures and a comparison of budgeted revenues and expenditures.

- **Annual Audit**

The City has an audit conducted by an independent auditor every year, and a Comprehensive Annual Financial Report is prepared by staff. The audit report contains information on cash balances, revenues, and expenditures. If there are any irregularities in budgeting and expenditure practices, they are reported. The Governing Body is provided a copy of the audit report, and the company which conducts the audit also makes a verbal report to the Governing Body.

An Inside Look

Now that you know how the budget works, it is important to understand what the budget is and what it is not.

The budget:

- Expresses your community’s priorities.
- Works as a plan to identify resources and expenditure flows.
- Operates an annual work program by guiding program management and evaluating existing expenditures.
- Responds to change. The budget process is dynamic – it must be flexible to meet public needs, keep up with technology and adjust to financial circumstances.

But the budget can't do it all. It will not:

- Be precisely accurate. The budget relies on estimates based on forecasts.
- Create efficiency. The budget is a resource allocation plan. It can't overcome obstacles in management or staff structure.
- Establish public policy. Public policy is established through careful discussion before the budget is prepared.
- Make everyone happy. There will be winners and losers!

Budget Do's and Don'ts

Do:

- Evaluate materials and data carefully before you speak.
- Show your appreciation for staff. Respect their experience.
- Explore creative ways to meet your City's needs.

Don't:

- Expect to be an instant expert.
- Drown in detail.
- Criticize previous budgets until you know all the facts and can correctly interpret them.
- Try to immediately change traditional budget practices.

Best of luck in this new adventure!

The Ethics of Council-Staff Teamwork

(Excerpted from "Western City" magazine, December 2004)

QUESTION

*I am a newly elected city council member, and I ran on a platform of "taking care of the basics" in our city. Being action oriented, I requested a meeting with our public works director immediately after I took office to discuss some concerns my neighborhood has had about the condition of our streets. I think this is a situation that needs addressing **now**.*

During the meeting, I noticed she was very uncomfortable. Furthermore, I got frustrated because she refused to commit to any plan of action to address my concerns. I lost my temper when she suggested my concerns should be discussed with her boss, the city manager. The public works director has worked for the city for more than 10 years and should be able to respond to my concerns competently. Frankly this is the kind of nonresponsiveness that I ran against in my campaign. What gives?

ANSWER

First, congratulations on your election and your willingness to spend time engaged in public service for your community. Public service is complex and has some traps for the unwary, as you discovered in your meeting with the public works director. There are probably several things triggering her discomfort.

How Decisions Regarding Street Repairs/Improvements Are Made

As a city council member, you are now part of a multi-member governing body that collectively makes policy decisions for the city. Those policy directives are typically communicated to the city manager, who then provides appropriate direction to staff to follow up.

For example, regarding the street issue, the city may already have a capital improvement program. This program probably has a schedule or agreed-upon standards and/or an engineering evaluation of the condition of city streets. These objective criteria guide staff on how to prioritize repairs for those streets most in need. These criteria likely have already been approved by the council as a whole and are subject to a budget also adopted by the council.

The public works director's discomfort may have resulted from a concern that you were suggesting that the city deviate from its already adopted policies and budgetary priorities. It may be that you don't agree with the city's present approach or priorities, but those concerns need to be addressed to and by the

council collectively. You can imagine the chaos that would result if each council member could individually direct the activities of city departments.

This is not to say that staff does not appreciate hearing from council members about conditions of which the city should be aware. The key is to communicate this in a way that does not direct or appear to direct staff to act.

The City Manager's Role

This distinction between providing information to staff and providing direction is key in cities with a city manager form of government. In such cities, the council provides direction to the city manager, who then relays that direction to staff. The general role of the city manager is to promote partnerships among council, staff and the public in developing public policy and building a sense of community.

The reason that the public works director suggested that you talk with the city manager is that, by law, this is the way the council-manager form of government has been set up. Because the manager recruits, hires and supervises the city's staff and carries out the council's policies, it is appropriate for the manager to direct staff.¹ In fact, most staff members are trained to do exactly what the public works director did - suggest you contact the city manager. This enables the manager to hold staff accountable on the council's behalf for implementing the council's policies and directives. The entire council, in turn, holds the manager accountable for staff's overall performance.

This "chain of command" feature of the council-manager form of government is typically embodied in the city's charter or ordinances. Elected officials who have disregarded this feature have found themselves in legal hot water. For example, a mayor in the San Francisco Bay Area was convicted in 2002 of violating this aspect of the city charter by asking that city employees do favors for him that advanced his personal investment objectives.

The issue also came up in litigation involving a Southern California city and a land use matter. Homeowners argued that the city's actions with respect to a nonconforming use were legally flawed because a council member had passed along a constituent's concerns about the structure to the city's planning director. Ultimately the city prevailed on the argument that the council member's communication was an inquiry and not a directive, but it was an arduous process. The court also implied that the result might have been different had the council member's communication been a directive to staff.

This is not to say that lawsuits or criminal prosecutions will follow all communications with staff. However, these two cases do underscore that the particular division of labor envisioned by the council-manager form of government is one that has the force of law and needs to be respected for the city to operate smoothly. The bottom line is that, if your city has a council-manager form of government, it appears your conversation broke the law.

Conflict of Interest Issues

Another possible reason for the public works director's discomfort may relate to the fact that the street improvements were in your neighborhood. Under the state's conflict of interest rules, you need to be especially careful about becoming involved in city issues that affect your neighborhood if you own or have a long-term lease on property in the vicinity.

The conflict of interest rules preclude you from being involved in governmental actions that affect your economic interests. Under these rules, you have an economic interest in real property in which you, your spouse, your dependent children or anyone acting on your behalf has invested \$2,000 or more, and also in certain leasehold interests. The analysis can be complex and involve determinations of whether your property will receive improved street services (as opposed to merely repaired streets). A conversation with your agency counsel can help you understand the law's application to your specific circumstances.

Remember, too, that the law only sets minimum standards for ethical behavior in public service, and public perception plays an important role in public service ethics. Whether or not you legally need to disqualify yourself from becoming involved in these discussions, think how it will look to the community in general if one of your first priorities as an elected official appears to be one that involves some kind of personal benefit in terms of improved streets in your neighborhood.

This can be an ethical dilemma in and of itself if one of your campaign pledges involved a promise to get the streets fixed for your neighbors. On one hand, you told people you would take steps to address a problem (promise-keeping is an ethical value); on the other, you now have a responsibility to act in the community's best interests as a whole.

One approach to balancing these conflicting ethical values is to learn how decisions concerning street repairs and improvements are made in your city. It may also be that other areas of the city have the same needs as your neighborhood. Talking with the city manager about whether this issue can be put on the agenda for discussion by the council or whether the city can sponsor a community workshop to hear residents' concerns are two options to move forward on your goal of following up on campaign commitments. This also provides your fellow council members an opportunity to participate in the conversation.

Communicating With Staff: What's OK and What's Not?

In cities with a city manager form of government, the typical ordinance provides that elected official inquiries and information exchanges with staff are OK, but "directives" are not. Typically this means that an elected official can share information with staff members and seek facts from them but cannot tell them to do anything. The lines can become blurry, however, when an elected official is inquiring about a problem situation, because there usually is a strong and natural correlation between an elected official's being aware of a problem and wanting that problem addressed.

As an ethical matter, it's best not to try to walk too closely to the line; for example, making it clear in the tone and phrasing of your "inquiry" that you would appreciate/expect some form of action, while carefully avoiding anything that literally would be a "directive" or a request for action. Basically such an approach violates the spirit of the rule against council members issuing directives to staff. Violating the spirit of any rule is rarely, if ever, ethical. If what you want is action on a problem, talk with the city manager.

Treatment of Staff

Staff can be a valuable source of expertise and background on these issues, which is why it is unfortunate you lost your temper with the public works director. Experienced and loyal staff are a precious resource for any organization, and the public sector is no exception. As you can tell from the above analysis, the public works director was trying to do her job and keep you from stepping over legal boundaries by referring you to the city manager.

As a general matter, keep in mind that asking staff for special favors - even those that do not benefit you personally - puts staff in an awkward situation. Staff generally are dedicated to their jobs and want to work with the elected officials to improve their communities. Forcing them to choose between doing something an elected official wants them to do and established city practices, protocols and policy erodes that trust. Add the fact that staff may worry that their livelihoods are on the line no matter which approach they take, and the damage to the relationship goes even deeper.

Why should you care? There are two sets of reasons. In terms of ethics, respect is another key ethical value. There are ways of communicating the depth of one's concern and frustration without giving in to the anger that may accompany that frustration. Sure, you have the power as an elected official to scold staff about something, but ethics is not about what we can do - it's about what we ought to do. This is why most cities have protocols or other requirements that any criticisms of staff members be made only in private to the city manager.

The second set of reasons to care about staff's loyalty is more pragmatic. Your success as an elected official depends on the assistance of capable staff who know your community. Savvy leaders cultivate their relationships with those in a position to help them achieve their goals. You want to motivate staff to apply their expertise, energy and creativity to the problem you want to solve. As management guru Ken Blanchard counsels, "The key to successful leadership today is influence, not authority."

As a steward of the city's resources, you have a responsibility to concern yourself with the long-term implications of city practices in general. On the staff relationship issue, veteran recruiter John Shannon (now with CPS Executive Search) says he has observed the difficulties public agencies have in attracting top-notch individuals if the word is out that the working environment is abusive, unstable or unfair. (And be assured that with e-mail, word travels fast if members of a profession feel that one of their own has been mistreated.) In fact, when organizations have had this problem for awhile, they become subject to a sort of downward spiral of mediocrity that becomes difficult to overcome. This is not the direction in which you want to take your city.

Finally, encouraging talented individuals to make a career in public service is an even more long-term and global issue. The question of where the next generation of city professionals will come from is significant enough that the city managers' organization has a committee dedicated to grappling with it.

What to Do?

Cartoonist Lynn Johnston described an apology as the "superglue of life" because it can repair almost anything. Do what the public works director suggested and talk with the city manager about what happened and explore options. Then ask to meet with the public works director to apologize for losing your temper. Experienced staff appreciate that elected officials may not be accustomed to being part of a collective decision-making body. They also understand that you are just becoming acquainted with how city council members can advance both their policy goals and constituents' concerns. Being a person who acknowledges this can get you off on the right foot with the city's staff in your new position.

The City Manager's Ethical Obligations

This month's column discusses the ethics of elected officials dealing with staff. What about the city manager's ethical obligations to serve elected officials?

City managers who are members of the International City-County Managers Association (ICMA) subscribe to a lengthy code of ethics that includes a number of tenets on this topic:

- **Tenet 5.** Submit policy proposals to elected officials, provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals, and uphold and implement local government policies adopted by elected officials.
- **Tenet 6.** Recognize that elected representatives of the people are entitled to credit for the establishment of local government policies; responsibility for policy execution rests with the [ICMA] members.
- **Tenet 7.** Refrain from all political activities that undermine public confidence in professional administrators. Refrain from participation in the election of members of the employing legislative body.

ICMA promotes ethical conduct through its code of ethics, publications on ethics issues and training programs for local government professionals. For more information about ICMA's ethics program, issues and advice, or enforcement of the ICMA Code of Ethics, visit the Ethics Program section of www.icma.org.

This column is a joint effort of the members of the Institute for Local Self Government's advisory panel on ethics. The questions in this column thus far have been suggested by the ethics advisory panel members to stimulate discussion and thinking on ethical issues faced by local officials. For more information about ILSG, visit www.ilsg.org. To suggest a future topic, e-mail ilsg@cacities.org.

¹ See, for example, section 5 of the typical ordinance establishing a council-manager form of government offered on the International City-County Management Association's website: www.icma.org (providing that "Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.")