

ORDINANCE No 2018-03

AN ORDINANCE REGULATING THE APPOINTMENT, REMOVAL, VACANCY AND JOB DUTIES OF THE CITY CLERK, CITY TREASURER AND CITY ATTORNEY OF THE CITY OF THE HIGHLANDS, KANSAS:

BE IT ORDAINED, by the Governing Body of the City of The Highlands, Kansas:

SECTION 1. APPOINTMENT. At the first regular meeting in January of each year the mayor, by and with the consent of the council, shall appoint a city clerk and a city treasurer, and may appoint a city attorney, and such other officers as may be deemed necessary for the best interest of the city. Such officers shall hold their respective offices for one year and until their successors have been appointed and qualified. All such appointments shall be entered in the minutes of proceedings of the city council. The duties and salaries of all appointed officers shall be fixed by ordinance. (K.S.A. 15-204)

SECTION 2. REMOVAL.

- (a) A majority of all members of the Council body may remove any appointed officer.
- (b) The mayor may suspend at any time any appointed officer.
- (c) Employees, other than appointed officers, may be removed by the mayor upon recommendation of the respective department heads. (K.S.A. 2017 Supp.12-16,128)

SECTION 3. VACANCY IN OFFICE. Whenever a vacancy occurs in any appointive office for whatever reason, the vacancy shall be filled by the governing body. Any person appointed to fill such vacancy shall serve only until the next regular time for appointment. (K.S.A. 15-1601)

SECTION 4. CITY CLERK. The city clerk shall:

- (a) Be custodian of all city records, books, files, papers, documents and other personal effects belonging to the city and not properly pertaining to any other office;
- (b) Carry on all official correspondence of the city;
- (c) Attend and keep a record of the proceedings of all regular and special meetings of the governing body;
- (d) Enter every appointment of office and the date thereof in the journal;
- (e) Enter or place each ordinance of the city in the ordinance books after its passage;
- (f) Publish all ordinances, except those appropriating money, and such resolutions, notices and proclamations as may be required by law or ordinance.

SECTION 5. SAME; FISCAL RECORDS. The city clerk shall:

- (a) Prepare and keep suitable fiscal records according to generally accepted accounting principles;
- (b) Assist in preparing the annual budget;
- (c) Audit all claims against the city for goods or services rendered for the consideration of the governing body. The City Clerks accounts shall properly show the amounts paid from any fund of the city and the cash balance existing in each fund;
- (d) Keep an accurate account of all bonds issued by the city;
- (e) Keep a record of all special assessments.

SECTION 6. SAME; SEAL; OATHS. The city clerk shall:

- (a) Have custody of the corporate seal of the city and shall affix the same to the official copy of all ordinances, contracts, and other documents required to be authenticated;
- (b) Have power to administer oaths for all purposes pertaining to the business and affairs of the city;
- (c) Keep suitable files of all such oaths required to be deposited in his or her office.

SECTION 7. CITY TREASURER. The city treasurer shall:

- (a) Keep a full and accurate record of all money received and paid out in a ledger book provided by the governing body;
- (b) Publish a Quarterly financial statement;
- (c) Deposit all public moneys and co-sign all checks.
- (d) Pay out city funds only upon orders or warrants properly signed by the mayor and city clerk;
- (e) Perform such other duties as may be prescribed by the governing body or the Kansas statutes.

(K.S.A. 10-803; K.S.A. 12-1608)

SECTION 8. CITY ATTORNEY; OFFICE; DUTIES. There is hereby established the office of city attorney. No person shall be eligible for the office of city attorney who is not an attorney at law admitted to practice in the Supreme Court of the State of Kansas. The city attorney shall be charged with the general direction and supervision of the legal affairs of the city. The city attorney shall:

- (a) Attend meetings of the city council as so directed to attend by the Mayor or president of the council;
- (b) Advise the city council, mayor and all officers of the city upon such legal questions affecting the city and its offices as may be submitted;
- (c) When requested by the city council, give opinions in writing upon any such questions;
- (d) Draft or review ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to the City Attorney in the regular transaction of affairs of the city;
- (e) Approve all ordinances of the city as to form;
- (f) Appear and prosecute all violations of city ordinances as may be required;
- (g) Perform such other duties as may be prescribed by the governing body and Kansas statutes.

SECTION 9. CONFLICTS OF INTEREST.

(a) No city officer or employee shall be signatory upon, discuss in an official capacity, vote on any issue concerning or otherwise participate in his or her capacity as a public official or employee in the making of any contract with any person or business:

(1) In which the officer or employee owns a legal or equitable, "substantial interest" or five percent, whichever is less, individually or collectively with his or her spouse; or

(2) From which the officer or employee receives, in the current or immediately preceding or succeeding calendar year, any salary, gratuity, other compensation or a contract for or promise or expectation of any such salary, gratuity or other compensation

or remuneration having a dollar value of \$1,000 or more; or

(3) In which he or she shall hold the position of officer or director, irrespective of the amount of compensation received from or ownership held in the business.

(b) The prohibitions contained in subsection (a) of this section shall not apply to the following:

- (1) Contracts let after competitive bidding has been solicited by published notice;
- and
- (2) Contracts for property or services for which the price or rate is fixed by law.

SECTION 10. Any provision of any existing ordinances of The Highlands, Kansas that are inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 11. This ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper as provided by law.

ADOPTED AND APPROVED by the Governing body of the City of The Highlands, Kansas, this 2 day of March 2018.



Mayor Mo Penny

ATTEST:


City Clerk

Approved as to form by: 

City Attorney