

CHAPTER I. ADMINISTRATION

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ARTICLE 1. GENERAL PROVISIONS

1-101

**CODE DESIGNATED.**

The chapters, articles and sections herein shall constitute and may be designated as the "Code of the City of Lawrence, Kansas," or the "Lawrence City Code," and may be so cited. (Code 1981)

1-102

**DEFINITIONS.**

The following definitions and rules of construction shall be observed in the construction of this Code and of all ordinances unless they are inconsistent with the manifest intent of the Governing Body if the context clearly requires otherwise:

- (A) **City** shall mean the City of Lawrence, in Douglas County, Kansas.
- (B) **Computation of Time** shall mean the time within which an act is to be done and shall be computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall be excluded.
- (C) **County** means the County of Douglas, Kansas.
- (D) **Delegation of Authority**, whenever a provision appears requiring or authorizing the head of a department or other officer of the City to do some

act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

- (E) **Gender**. words importing the masculine gender include the feminine and neuter.
- (F) **Governing Body** means the City Commission of Lawrence, Kansas.
- (G) **In the City** means and includes any territory within the corporate limits of the City of Lawrence, Kansas, and the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the City by law, except as otherwise specified.
- (H) **Joint Authority**. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- (I) **Number**. Words used in the singular include the plural and words used in the plural include the singular.
- (J) **Oath** includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed."
- (K) **Owner** applied to a building or land, shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land.
- (L) **Person** includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.
- (M) **Property** includes real, personal and mixed property.
- (N) **Real property** includes land, tenements and hereditaments.
- (O) **Shall** and **Will** are mandatory.
- (P) **Sidewalk** means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- (Q) **Street** means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the City.
- (R) **Tenant or Occupant** applied to a building or land, means any person who occupies the whole or part of such building or land, whether alone or with others. (Code 1981)

1-103

#### **PARENTHETICAL AND REFERENCE MATTER.**

The matter in parenthesis at the ends of sections is for information and reference only and is not a part of the Code (Code 1981). Citations to ordinances include only the source and the text may or may not be changed by this Code. This Code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015.

- 1-104           **CATCH LINES OF SECTIONS.**  
 The CATCH LINES or headings of the sections of this Code are intended as mere words to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of any section nor, unless expressly so provided, shall they be so deemed when any section, including its catch line, is amended or reenacted. (Code 1981)
- 1-105           **AMENDMENTS; REPEAL.**  
 Any portion of this Code may be amended by specific reference to the section number as follows: "That Section 1-105 of the Code of the City of Lawrence is hereby amended to read as follows: (the new provisions shall then be set out in full)."  
  
 A new section not heretofore existing in the Code may be added as follows: "That the Code of the City of Lawrence is hereby amended by adding a section (or article or chapter) which reads as follows... (the new provision shall be set out in full)." All sections, or articles or chapters to be repealed shall be repealed by specific reference as follows: "Section (or article or chapter) 1-105 of the Code of the City of Lawrence is hereby repealed." (K.S.A. 12-3004; Code 1981)
- 1-106           **POWERS GENERALLY.**  
 All powers exercised by cities of the first class, or which shall hereafter be conferred upon them shall be exercised by the Governing Body, subject to such limitations as are prescribed by law. (Code 1981)
- 1-107           **ORDINANCES.**  
 The Governing Body shall have the care, management and control of the City and its finances and shall pass all ordinances needed for the welfare of the City. No ordinance shall be valid unless a majority of all the members elected to the Commission vote in favor. (K.S.A. 12-3002)
- 1-108           **MEETINGS.**
- (A)     To conduct the business of the City, the Governing Body shall meet on the first, second, and third Tuesdays of each month – except that in January of each year it shall meet on the first and third Tuesdays and on the second Monday. Meetings shall be conducted in the City Commission Room at City Hall, shall be open to the public, and shall commence at 5:45 p.m. When such meeting shall fall on a legal holiday, on a date when a majority of the members of the Governing Body will be absent, or at the discretion of Governing Body, the Governing Body may, by a vote of a majority of the members of the Governing Body at any preceding public meeting, suspend said meeting, change its date or time, or move its location.
  - (B)     The Governing Body may meet with other governing bodies or meet to accept public comment on a matter or matters (i.e. a “listening session”) at such time and at such location as deemed appropriate, provided no binding action is taken at said meeting, and further provided such meetings are open to the public.
  - (C)     A call signed by a majority of the Governing Body shall be sufficient warrant for a special meeting. Special meetings shall be open to the public.

(Code 1979, 1-105; Ord. 6005, Ord. 9074, Ord. 9234, Ord. 9251)

- 1-109           **CITY RECORDS.**  
The City Clerk or any other officer or employee having custody of City records and documents shall maintain such records and documents in accordance with K.S.A. 12-120 to 12-121 inclusive, which is incorporated by reference herein as if set out in full. (K.S.A. 12-120:121; Code 1981)
- 1-110           **ALTERING CODE.**  
It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Lawrence to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this Code authorized by ordinance adopted by the Governing Body. (Code 1981)
- 1-111           **SCOPE OF APPLICATION.**  
Any person convicted of doing any of the acts or things prohibited or made unlawful or the failing to do any of the things commanded to be done, as specified and set forth in this Code, shall be deemed guilty of a misdemeanor and punished in accordance with Section 1-112. Each day any violation of this Code continues shall constitute a separate offense. (Code 1981)
- 1-112           **GENERAL PENALTY.**  
Whenever any offense is declared by any provision of this Code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section. (Ord. 7259)
- (A)     A fine of not less than \$1 or more than \$1,000; or
- (B)     Imprisonment in the city jail for not more than 180 days; or
- (C)     Both such fine and imprisonment not to exceed (A) and (B) above. (Code 1981)
- 1-113           **Reserved.** (Repealed by Ord. 8051)
- 1-114           **SEVERABILITY.**  
If for any reason any chapter, article, section, subsection, sentence, clause or phrase of this Code or the application thereof to any person or circumstance is declared to be unconstitutional or invalid or unenforceable such decision shall not affect the validity of the remaining portions of this Code. (Code 1981)
- 1-115           **REPEALING ORDINANCES.**  
The repeal of a repealing ordinance does not revive the ordinance originally repealed. The repeal of an ordinance, the adoption of an ordinance containing a repeal of an ordinance, or the adoption of a codification of the general ordinances of the City including the repeal of such general ordinances, does not impair or affect the validity of a pending action, proceeding or prosecution under the repealed ordinance, unless the content of the surviving ordinance clearly indicates such affect. The repeal of an ordinance as part of the codification of the ordinance shall not be interpreted as a repeal of the findings or recitals of the ordinance unless such findings or recitals are explicitly repealed therein.

**ARTICLE 2. GOVERNING BODY**

- 1-201           **FORM OF GOVERNMENT.**  
In accordance with state law, the City of Lawrence, Kansas, operates under the

Commission-Manager form of government. (Ord. 9233)

1-202

**GOVERNING BODY.**

The Governing Body shall consist of five Commissioners. Except as otherwise set forth in this Article, or as the Governing Body may organize itself to conduct business, no distinction shall be made in titles and duties among the Commissioners. (Ord. 9233)

1-203

**SAME; ELIGIBILITY AND QUALIFICATIONS; RESIDENCY.**

Each Commissioner shall be a citizen of the United States, shall be at least eighteen years of age, and shall be a qualified elector of the City. Each Commissioner shall also, at all times, from the time that he or she files to become a candidate for the office of Commissioner through the time that his or her term of office as Commissioner expires, reside within the corporate limits of the City. (Ord. 9233)

1-204

**SAME; CANDIDATE FOR OFFICE OF COMMISSIONER.**

Any person who meets the requirements of Section 1-203 of this Article may become a candidate for the office of Commissioner by filing or by having filed in his or her behalf, with the county election officer, in accordance with K.S.A. 25-205 and K.S.A. 25-2110, and any amendments thereto, **(a)** a declaration of intention to be a candidate, together with any fee required by law, or **(b)** a nomination petition signed by 50 qualified electors of the City. (Ord. 9233)

1-205

**SAME; ELECTIONS.**

(Ord. 9233)

- (A) In accordance with state law, any general election for the office of Commissioner shall be conducted on the Tuesday succeeding the first Monday in November in odd-numbered years.
- (B) In accordance with state law, any primary election for the office of Commissioner shall be conducted on the first Tuesday of August in odd-numbered years.
- (C) All elections for the office of Commissioner shall be non-partisan.

1-206

**SAME; TERMS OF OFFICE; OATHS OF OFFICE.**

(Ord. 9233)

- (A) At each general election, held on the Tuesday succeeding the first Monday in November in odd-numbered years, the qualified electors of the City shall elect three Commissioners to the Governing Body. The two candidates who receive the most votes shall each serve a term of office of four years, which term of office shall commence upon taking the oath of office, on or after the second Monday in January immediately following the general election, and shall expire on the second Monday in January four years thereafter. The candidate receiving the third most votes shall serve a term of office of two years, which term of office shall commence upon taking the oath of office, on or after the second Monday in January immediately following the general election, and shall expire on the second Monday in January two years thereafter. Accordingly, every two years, three offices of Commissioner shall be open for election.
  - (i) Effective July 1, 2015, the Kansas legislature transferred all general elections, including those of the City, from April to November of odd-numbered years and all terms of office of municipal officers, including those on the Governing Body, from April to the second Monday in January following the general election. To make that

transition, **(A)** those Commissioners, whose terms of office would have expired in April 2017, shall have their terms of office extended until Monday, January 9, 2018 and **(B)** those Commissioners, whose terms of office would have expired in April 2019, shall have their terms of office extended until Monday, January 13, 2020.

(ii) Consistent with the foregoing, the term of office of Mayor, which was to expire in April, 2016, shall be extended until Monday, January 9, 2017, and the term of office of Vice-Mayor, which was to expire in April, 2016, shall be extended until Monday, January 9, 2017. Commencing January 9, 2017, the election and terms of office of Mayor and Vice-Mayor shall be as set forth in Sections 1-207 and 1-208 of this Article.

(B) Before commencing any term of office or assuming any term of office on the Governing Body, each Commissioner shall first take the oath of office. The oath of office shall be administered by the City Clerk, the designee of the City Clerk, or by anyone fulfilling the duties of the City Clerk.

1-207

**SAME; MAYOR.**

At its regular meeting on the second Monday of January of each year, the Governing Body shall elect one Commissioner to serve as Chairperson. The Chairperson shall have the title of Mayor. The Mayor shall preside at all meetings of the Governing Body, shall retain the authority to vote and to take all actions accorded Commissioners, and shall execute all ordinances, agreements, and other documents requiring the signature of the Mayor. The Mayor shall have no administrative duties. The Commissioner selected as Mayor shall serve in that capacity for a period of one year, commencing on the second Monday of January, when he or she is elected Mayor, and expiring on the second Monday of January of the succeeding year. (Ord. 9233)

1-208

**SAME; VICE-MAYOR.**

At its regular meeting on the second Monday of January of each year, the Governing Body shall elect one Commissioner to serve as Vice-Chairperson. The Vice-Chairperson shall have the title of Vice-Mayor. In the absence of the Mayor from any meeting, the Vice-Mayor shall preside. If the Mayor is absent from the City or if the Mayor is incapacitated or is otherwise unable to perform the duties of Mayor, then the Vice-Mayor shall be accorded the title of Acting Mayor and shall perform and exercise the duties of Mayor. The Commissioner selected as Vice-Mayor shall serve in that capacity for a period of one year, commencing on the second Monday of January, when he or she is selected Vice-Mayor, and expiring on the second Monday of January of the succeeding year. (Ord. 9233)

1-209

**SAME; SALARIES.**

The Commissioner serving as Mayor shall receive an annual salary of \$10,000.00. The remaining Commissioners each shall receive an annual salary of \$9,000.00. (Ord. 9233)

1-210

**SAME; OPEN MEETINGS; QUORUM.**

All regular meetings and special meetings of the Governing Body shall be open to the public. Three Commissioners shall constitute a quorum of the Governing Body for the purpose of transacting official business. No ordinance shall be passed by the Governing Body except by an affirmative vote of three Commissioners. (Ord. 9233)

1-211

**SAME; CITY MANAGER.**

The Governing Body shall provide for such offices as shall be necessary to carry out the provisions of the law and determine salaries for the same. It shall appoint a City

Manager as hereinafter provided and shall be responsible for his or her efficient administration of the City's business. (Ord. 9233)

- 1-212      **SAME; ADMINISTRATIVE DEPARTMENTS.**  
Administrative departments shall be created by the Governing Body as the public business may demand and as provided by state statutes. (Ord. 9233)
- 1-213      **SAME; BOARDS AND COMMISSIONS.**  
Whenever authorized to do so by state law or the ordinances of the City, the Governing Body shall appoint members of various City Boards and Commissions. (Ord. 9233)
- 1-214      **BONDS OF COMMISSIONERS.**  
Commissioners shall serve without posting a surety bond. In lieu of a bond, the City shall purchase a policy of insurance for the Commissioners to protect the City from any loss caused by neglect of duty, misfeasance in office, malfeasance in office, or misappropriation of City funds. (Ord. 9233)

### **ARTICLE 3. CITY MANAGER**

- 1-301      **APPOINTMENT AND TERM.**  
The administration of the City's business shall be in the hands of the Manager, who shall be appointed by the Commission and shall hold office at the pleasure of the Commission. (K.S.A. 12-1011; Code 1979, 1-201)
- 1-302      **QUALIFICATIONS OF MANAGER.**  
The Manager shall be chosen solely on the basis of administrative ability. Choice shall not be limited by any residency requirements. (K.S.A. 12-1025; Code 1979, 1-202)
- 1-303      **DUTIES AND FUNCTIONS OF MANAGER; APPOINTMENTS.**  
The Manager shall be responsible for the administration of all the affairs of the City. He or she shall see that all laws and ordinances are enforced. He or she shall appoint and remove all heads of departments and all subordinate officers and employees of the City. All appointments shall be made upon merit and fitness alone. The Manager shall be responsible for the discipline of all appointive officers, and may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. He or she shall prepare and submit the annual budget to the Commission and keep the Commission fully advised as to the financial conditions and needs of the City. He or she shall make recommendations to the Commission on all matters concerning the welfare of the City, and shall have a seat, but no vote, in all of the public meetings of the Commission. No member of the Commission shall directly interfere with the conduct of any department except at the expressed direction of the Commission. (K.S.A. 12-1014; Code 1979, 1-203)
- 1-304      **BIDDING REQUIREMENTS.**  
As provided by Charter Ordinance 19 and other applicable law, in all cases where the estimated cost of the contemplated public improvement amounts to more than \$50,000.00, sealed proposals for the improvement, unless waived by the Governing Body, shall be invited by advertisement and published by the City Clerk once in the official City newspaper. (Ord. 6218, Ord. 7350, Ord. 9287)
- 1-305      **CERTAIN POWERS OF THE CITY MANAGER CONCERNING PROPERTY OWNED OR LEASED BY THE CITY OF LAWRENCE.**

- (A) The City Manager shall designate all buildings owned or leased by the City, as buildings where the carrying of unconcealed firearms, as that term is defined at K.S.A. 2016 Supp. 75-7b01, as amended, is, under the provisions of the Kansas Personal and Family Protection Act of 2006, codified as amended at K.S.A. 75-7c01, et seq., restricted or prohibited. (Ord. 8048, Ord. 9425)
- (B) The City Manager shall cause all buildings owned or leased by the City to be posted in accordance with the rules and regulations promulgated by the Kansas Attorney General under authority of the Kansas Personal and Family Protection Act of 2006, as amended. (Ord. 8048, Ord. 9425)
- (C) The City Manager and the City Manager's designees are granted the authority, with good and lawful cause, to order any individual not to enter, to leave, or not to return to any property owned or leased by the City of Lawrence. (Ord. 8048, Ord. 9425)
- (D) The powers in this section are not an exclusive enumeration of the powers of the City Manager and are not meant in any way to impair the City Manager's ability to exercise the other powers that he or she possesses. (Ord. 8048)

#### **ARTICLE 4. OFFICERS AND EMPLOYEES**

1-401

**ORGANIZATION.**

The affairs of the City shall be administered by the officers and employees of such administrative divisions as may be established by the Manager. The Commission shall annually review the administrative organization of the City and approve or disapprove such divisions and staff positions (K.S.A. 12-1015; Code 1979, 1-301)

1-402

**OFFICERS AND EMPLOYEES; APPOINTMENT.**

All officers and employees shall be appointed by the City Manager, except as otherwise provided by state law or other City ordinances. The City Manager is authorized to act as, and to perform the duties of any office for which he or she is qualified; and may appoint one person to perform the duties of more than one officer or employee provided their duties are not incompatible and the same is not prohibited by law or by other ordinances. (K.S.A. 12-1014; Code 1979,1-302)

1-403

**CLASSIFIED SERVICE.**

The classified service of the City shall include all positions in the City service except elected officials, persons serving the City as independent contractors, persons retained by the City as consultants, part-time employees of part-time boards and commissions, the City Attorney and assistants, the Municipal Judge and the City Manager. (Code 1979, 1-303)

1-404

**QUALIFICATIONS.**

Qualifications for appointment to a position in the classified service and duties assigned to any such position shall be in accordance with rules and regulations prescribed by the Commission. (Code 1979,1-304)

1-405

**RESIDENCY REQUIREMENTS FOR CERTAIN CITY EMPLOYEES.**

(Ord. 9486)

- (A) The following City employees are hereby required to establish and maintain a permanent residence within the incorporated boundaries of the City of Lawrence, Kansas for the positions of: City Manager, Assistant City Manager(s) and all department directors, including, but not limited to the



following positions: Chief of the Lawrence Police Department, Director of the Municipal Services and Operations Department, Chief of the Lawrence-Douglas County Fire Medical Department, Director of Finance, Director of Information Technology, Director of Parks and Recreation, Director of the City Attorney's Office, and the Director of Planning and Development Services.

- (B) Employees as described in subsection (A) of this section who are not already residents of the City of Lawrence at the inception of their employment with the City shall have a period of six (6) months after such employment begins within which to establish residence within the City, after the end of such six (6) months period their exemption from the requirements of this Section shall terminate.
- (C) Violation of any of the provisions of this Section shall result in discharge from employment with the City. (Ord. 6267, Ord. 9486)

1-406

**OATH.**

All officers and employees of the City, whether elected or appointed, either under the laws of the state or ordinances of the City, shall before entering upon the duties of their respective office, take and subscribe an oath or affirmation as follows: "I do affirm that I will support the constitution of the United States and the constitution of the State of Kansas and faithfully discharge the duties of \_\_\_\_\_ (here enter the name of office), for the City of Lawrence, Kansas during the term for which I was appointed." (Code 1979,1-401)

1-407

**BONDS; APPOINTED OFFICERS.**

The Manager and such other officers as the Commission may require shall each, before entering upon the duties of their respective offices give a good and sufficient surety company bond to the City, approved by the Commission, in the amount specified herein or as shall be required by the Commission conditioned upon the officer's faithful performance and faithful discharge of his or her respective duties. The cost of such surety bonds shall be borne by the City. Bonds for the following officers shall be in the following amounts: Manager - \$15,000; City Clerk - \$15,000; Treasurer - \$50,000; Municipal Judge - \$1,000; and Engineer - \$5,000. (Code 1979, 1-501)

**ARTICLE 4A. OFFICE OF THE CITY AUDITOR**

1-4A01

**OFFICE OF CITY AUDITOR.**

- (A) There is hereby established the office of City Auditor, hereinafter "Auditor". The position shall be appointed by and report to the City Commission and shall examine and evaluate the activities of the City to assist City Commission members in the effective discharge of their duties. The Auditor shall be selected on the basis of experience and education suitable to the professional performance of internal municipal audits, including but not limited to audits of: the efficiency and effectiveness of City programs and services; City compliance with all applicable laws, regulations and requirements for the expenditure of public funds and the exercise of City authority pursuant to law; City compliance with internal controls and policies; and City compliance with generally accepted municipal standards for the performance of municipal services and programs. The Auditor shall not have any responsibility for the preparation of the annual audit of City finances, referred to as Comprehensive Annual Financial Report (CAFR). (Ord. 8060)

- (B) All officers and employees of the City shall furnish the auditor with unrestricted access to employees, information and records (including automated data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the auditor to inspect all property, equipment and facilities within their custody. Audits shall be conducted in accordance with the *Standards for the Professional Practice of Internal Auditing* published by The Institute of Internal Auditors, Inc., or when required by law, regulation, agreement, contract, or policy, in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States, or other applicable professional standards such as the International Organization of Supreme Audit Organizations (INTOSAI). All audit reports issued by the auditor shall include a statement that the audit was conducted pursuant to the appropriate standards or state why standards were not followed. (Ord. 8060)
- (C) The Auditor shall coordinate with the City Manager in creating an annual work program. The Auditor shall annually present the proposed work program of planned major audits and planned special projects to the City Commission. The City Commission may amend or alter the proposed work program as it determines appropriate. The Auditor may be directed to perform additional audits as resources allow. (Ord. 8060)
- (D) Prior to public disclosure of an audit, a final draft of each audit report will be forwarded to the official responsible for the audited project or program and the City Manager for review and comment regarding factual content of the report. The responsible official and/or City Manager must respond in writing specifying agreement or disagreement with audit finding and recommendations, reasons for disagreement with findings and/or recommendations, plans for implementing solutions to issues identified, and a timetable to complete such activities. The response must be received by the Auditor within five (5) working days. The final audit report will include the views of the responsible official of the audited programs concerning the Auditor's finding, conclusions and recommendations, as well as planned corrective actions. If the responsible official does not respond within the specified timeframe, the Auditor will note that fact in the audit report. (Ord. 8060)
- (E) All final audits prepared by the Auditor shall be received by the City Commission during a regular meeting of the City Commission. All final audits shall be public records pursuant to the Kansas Open Records Act and shall be posted on the City's website. No later than six months after an audit is issued, the auditor shall follow-up on reported findings to determine that corrective action was taken and is achieving the desired results. The auditor shall inform the City Manager and the City Commission of the status of corrective actions taken by management responsible for supervision of the program activity, function, or organizational unit audited. (Ord. 8060)

**ARTICLE 4B. DEPARTMENT OF MUNICIPAL SERVICES AND OPERATIONS**

1-4B01

**MUNICIPAL SERVICES AND OPERATIONS DEPARTMENT.**

Pursuant to the laws of the State of Kansas and the City of Lawrence, Kansas, the Governing Body hereby creates and establishes, as an administrative department of the City, the Department of Municipal Services and Operations to be charged with

such duties, authority, and responsibilities as may be determined by the City Manager. (Ord. 9484)

1-4B02

**DIRECTOR; AUTHORITY.**

The Department of Municipal Services and Operations shall be headed by a Director, who shall be appointed by and shall serve at the pleasure of the City Manager. The Director shall be responsible for the proper organization, training, discipline, and the day-to-day functioning of the Department of Municipal Services and Operations. The Director shall be answerable to the City Manager and shall take direction from the City Manager. (Ord. 9484)

1-4B03

**PERSONNEL.**

The Department of Municipal Services and Operations shall consist of the following employees: (Ord. 9484)

- (A) Director of the Department of Municipal Services and Operations.
- (B) Such other employees that may be required by statute or ordinance or that may be deemed necessary by the City Manager to effectively carry out the work of the department.

1-4B04

**CAPACITY.**

The Department of Municipal Services and Operations shall be an unincorporated department of the City, shall not have the capacity to sue or be sued, and shall not have the capacity to enter into contracts in its own name. (Ord. 9484)

**ARTICLE 5. INVESTMENT AND DEPOSIT OF CITY FUNDS**

1-501

**DEMAND DEPOSITS.**

All funds and money of the City required for current operations shall be placed in demand deposits by the City Treasurer in the official city depository. (Code 1979, 1-601)

1-502

**INVESTMENT OF TEMPORARILY IDLE FUNDS; AUTHORITY.**

Temporarily idle funds not currently needed for expenditures, may be invested in accordance with the procedure hereafter prescribed:

- (A) In direct obligations of the United States government, which mature or are redeemable within twelve (12) months from date of purchase, the principal and interest whereof are guaranteed by the government of the United States; or
- (B) In the temporary notes of the City, issued pursuant to K.S.A. 10-123. The provisions of this Article shall not apply to any funds of the City, the investment of which is expressly authorized or limited or prohibited by statutes of the State of Kansas. (Code 1979, 1-602)

1-503

**INVESTMENT OF TEMPORARILY IDLE FUNDS; RECORDS; RESTRICTIONS.**

The Manager shall submit to the Commission a quarterly report of the City's investment program. This report shall contain information regarding the amount of money invested, the maturity date of the investment and the annual rate of interest of each security. The Manager shall provide an investment program which shall limit the amounts invested and schedule the maturities of investments so that at all times the City will have sufficient funds available in demand deposits in its depository banks to assure prompt payment of obligations. (Code 1979, 1-603)

1-504

**CUSTODY AND SAFEKEEPING.**

Securities purchased pursuant to this Article shall be under the joint care of the City Clerk, City Treasurer and City Manager and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officers in a safety deposit box of the City in a bank or trust company, and shall be held in the name of the City and their redemption, transfer or withdrawal shall be permitted only upon the written instruct of at least two such City officers. (Code 1979, 1-604)

1-505

**EARNINGS.**

The interest or earnings of investments made pursuant to this Article shall be credited pro rata to the fund or funds of the City from which the investments were made. (Code 1979, 1-605)

1-506

**SALE OR TRANSFER.**

If, in order to maintain sufficient moneys on demand deposit in any fund as provided above, it becomes necessary to transfer or sell any securities of such funds, any two (2) or more of the officers so authorized may transfer said securities to any other fund or funds in which there are temporarily idle moneys, or shall sell such securities and for such purpose they shall have authority to make any necessary written directions, endorsements or assignments for and on behalf of the City. Any such transfer or sales shall be reported in writing to the Commission at its next regular meeting. (Code 1979, 1-606)

**ARTICLE 6. EMPLOYEE BENEFITS**

1-601

**EMPLOYEES RETIREMENT; RESOLUTION.**

Resolution passed by the Governing Body and published on May 23, 1961, to which resolution extends the benefits of the Kansas Public Employees Retirement System to the City of Lawrence, is incorporated by reference herein and made a part thereof as if the same had been set out in full therein. (Code 1979, 1-701)

1-602

**EMPLOYEE BENEFITS FUND.**

The City of Lawrence, in accordance with the provisions of K.S.A. 12-16, 102, as amended, does hereby establish an employee benefits contribution fund for the purpose of paying the City's share of employee benefits prescribed by Section 1-603.

1-603

**SAME, PURPOSE.**

The cost of employee benefits authorized for payment from the fund created by 1-602 shall include the following: Employer contributions for social security, workers compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pension programs.

**ARTICLE 7. WORKERS COMPENSATION TRUST FUND**

1-701

**FUND ESTABLISHED.**

For the purpose of providing for the payment of compensation of claims arising on or after January 1, 1979, and all other amounts required to be paid by the City of Lawrence as a self-funded employer under the Worker's Compensation Law of this state (K.S.A. 44-532) as amended, there is hereby established the City Worker's Compensation Fund in the Finance Department. (Code 1979, 1-901)

1-702

**LIABILITY.**

The City of Lawrence Worker's Compensation Fund shall be liable to pay:

- (A) All compensation for claims arising on and after January 1, 1979, and all other amounts required to be paid by the City of Lawrence as a self-funded employer under the Worker's Compensation Law of this state as amended.

- (B) The amount that the City of Lawrence is liable to pay the "carrier's share of expense" of the administration of the office of the Worker's Compensation Director as provided in K.S.A. 74-712 to 74-719, inclusive.
- (C) The cost of administering and directing the City of Lawrence Worker's Compensation Self-Funded Program including the defense of such fund and any costs assessed to such fund in any proceeding to which it is a party, and also including but not limited to: attorney's fees; accounting fees; excess insurance fees; servicing fees; legal expenses; accounting expenses; and any and all other administrative costs necessary for the operation of the City of Lawrence Worker's Compensation Self-Funded Program. (Code 1979, 1-902)

1-703

**EMPLOYEES COVERED.**

To this end and for the purpose of this Article, all City departments and agencies are hereby deemed to be a single employer whose liability specified in this article is hereby imposed solely upon the City of Lawrence Worker's Compensation Self-Funded Program and such employer is hereby declared to be a fully authorized and qualified self-funded under K.S.A. 44-532, and any amendments thereto and such employer shall be required to make any and all reports required thereunder. (Code 1979, 1-903)

1-704

**ADMINISTRATION.**

The administrator of the City of Lawrence Worker's Compensation Self-Funded Program shall be the Risk Manager/Safety Officer and operated as the Risk Management Function under the Administrative Services Director. The Risk Management Function shall administer the City's Worker's Compensation Self-Funded Program and all payments from such fund shall be upon warrant checks of the City of Lawrence issued pursuant to vouchers approved by the Director of Finance. Risk Management shall remit all monies to the Director of Finance. Upon receipt of any such remittance, the City Treasurer shall deposit the entire amount thereof in the City treasury to the credit of the City Worker's Compensation Fund. (Code 1979, 1-904)

1-705

**COSTS ASSESSED.**

The rate of self-funded assessment for all City departments and agencies shall be set by the City Manager, but such rates shall conform with the Kansas worker's compensation statutes and amendments thereto and any rules or regulations promulgated pursuant to authority established thereunder, and such rates shall further be sufficient to provide a balance in the City Worker's Compensation Fund sufficient to pay any and all claims reasonably expected to be brought thereunder, and all administrative costs, which balances shall include an initial fund amount of \$297,000 for the fiscal year commencing January 1, 1979, and which rates shall be sufficient to increase such fund balance equal to \$1,000,000 is attained. Such amount may be raised by levy of taxation pursuant to the authority of K.S.A. 44-505c, and amendments thereto.

1-706

**SAME; ANNUAL RATE.**

For the fiscal year January 1, 1979, and each January 1 thereafter, Risk Management shall determine annually the suggested rate of self-fund assessment for all City departments and agencies employing personnel subject to the worker's compensation law, based upon the accidental injury and occupational disease experience of all such City departments and agencies and the liability of the City Worker's Compensation Fund as provided in Section 1-701 and shall recommend such rate to the City Manager for approval on or before July 1, 1978 and each July 1 thereafter, for the succeeding fiscal year. (Code 1979, 1-906)

- 1-707           **SAME; LIMITATIONS.**  
 The insurance rate for each City Department and/or agencies shall be expressed by worker's compensation code, overall City retrospective rating and departmental loss conversion factor (debit or credit). In the event of a death or other catastrophe, the overall retrospective rating plus the departmental excess shall be spread over a three year period. Departmental excess will not exceed 1.75 x annual premium. Risk Management shall utilize actuarial and other professional assistance in determining this rate of self-insurance assessment under this section. On or before January 1, 1979, and each January 1 thereafter, Risk Management shall notify each City department or agency of the rate of the self-fund assessment for such department or agency for the next fiscal year. (Code 1979, 1-907)
- 1-708           **CLAIMS FOR COMPENSATION.**  
 All claims for compensation under City worker's compensation ordinance against any City department or agency for claims arising on or after January 1, 1979, shall be made against the City Worker's Compensation Fund. Such claims shall be served upon the City Risk Management Office in the manner provided for claims against other employers under the Worker's Compensation Act (K.S.A. 44-501) as amended. (Code 1979, 1-908)
- 1-709           **DEFENSE OF FUND.**  
 The City Prosecutor's office shall represent and defend the City of Lawrence Worker's Compensation Fund in all proceedings under the Worker's Compensation Act, but any legal expenses incurred shall be paid from the City Worker's Compensation Fund. (Code 1979, 1-909)
- 1-710           **INVESTIGATE CLAIMS.**  
 Risk Management shall investigate or cause to be investigated, each and every claim for compensation against the City of Lawrence Worker's Compensation Fund. For the purpose of such investigations, Risk Management is authorized to obtain expert medical advice regarding the injuries, occupational diseases and disabilities involved in such claims. If, based upon such investigation and any other available information, Risk Management finds there is no material dispute as to any issue involved in the claim, that the claim is valid and that the claim should be settled by agreement, Risk Management may proceed to enter into such an agreement with the claimant for the City Worker's Compensation Fund, for any settlement amount with the approval of the City Manager. Any such settlement made without that approval shall be invalid. Any such agreement may provide for lump sum settlements subject to approval by the State Worker's Compensation Director and all such agreements shall be filed in the office of the State Director of Worker's Compensation for approval as provided in K.S.A. 44-527. All other claims for compensation against such funds shall be paid in accordance with the worker's compensation act pursuant to awards or orders of the State Worker's Compensation Director or a court. (Code 1979, 1-910)
- 1-711           **ENCUMBER FUNDS.**  
 Risk Management shall encumber (reserve) funds sufficient to meet anticipated expenses for claims expected to exceed \$1,000 in accordance with Articles 7, 8, 9, 10, and 11, of the worker's compensation laws and rules and experience data. Any such encumbered reserves shall remain encumbered until released by award, settlement or dismissal. (Code 1979, 1-911)

**ARTICLE 8. CITY SALES TAX**

- 1-801           **TAX LEVIED.**  
 Pursuant to the provisions of K.S.A. 1970 Supp. 79-4424, as amended, 79-4425 and

79-4426 and the election held on April 6, 1971, there is hereby levied a retailers' sales tax in the amount of one-half of one percent (0.5%) on retail transactions consummated within the City of Lawrence, Kansas, as provided by the aforementioned statutes. Said tax shall become effective and commence beginning July 1, 1971. (Code 1979, 1-801)

1-802

**TAX LEVIED.**

Pursuant to the provisions of K.S.A. 12-187, et seq., and the election held on August 7, 1990, there is hereby levied an additional retailers' sales tax in the amount of one-half of one percent (0.5%) on retail transactions consummated within the City of Lawrence, Kansas, as provided by the aforementioned statutes. Said tax shall become effective and commence October 1, 1990. (Ord. 6132)

1-803

**SAME.**

Except as may otherwise be provided by law, such tax shall be identical in its application, and exemptions therefrom, to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such City retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Department of Revenue shall be utilized to administer, enforce and collect such tax. (Ord. 6132, Section II)

1-804

**CONTINUATION OF CAPITAL IMPROVEMENT FUND.**

The Capital Improvement Fund, established by Ordinance No. 5652, pursuant to K.S.A. 12-1, 118, shall continue in full force and effect, as amended by this ordinance. (Ord. 6625)

1-805

**SAME; USE OF CAPITAL IMPROVEMENT FUND.**

In addition to any other lawful source of funds, and not as an exclusive source of funds, the Capital Improvement Fund shall be used to fund and finance, in whole or in part, any public improvement need set forth in the City's adopted Capital Improvement Plan. These funds may also be used for the repair, restoration, or rehabilitation of existing public facilities. Disbursements from the fund may be made for engineering, architectural and other advance public improvement plans and studies and that reimbursements may be made for engineering, architectural and other advance public improvement plans and studies and that reimbursements may be made to the fund from bond proceeds, special assessments or state or federal aid available for the completed project. Moneys in the fund shall be budgeted annually for the fund, or transferred by the annual budget from other funds. The fund shall not thereafter be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto, as such the Capital Improvement Fund shall serve as a reserve fund of the City.

1-806

**SAME; COUNTY-WIDE SALES TAX RESERVE ACCOUNT FOR PARKS AND RECREATION FACILITIES.**

The governing body may budget or transfer receipts from the county sales tax to a separate account within the Capital Improvement Fund, such receipts to be used for the repair, restoration and rehabilitation of parks and recreation facilities. The purpose of the parks and recreation sales tax account is to provide clear accountability for county sales tax receipts in the Capital Improvement Fund. This account shall be governed by the requirements of the fund.

1-807

**SAME; BUDGETING AND INVESTING FOR THE FUND.**

The budgeting and investing for the fund shall comply with all the requirements of law.

1-808

**THE HOUSING TRUST FUND.**

The Housing Trust Fund, was established by Ordinance No. 7194, pursuant to K.S.A. 12-16, 114. Funds from the Housing Trust Fund may be expended on such housing and related purposes as the governing body may from time to time determine as appropriate. (Ord. 7194)

1-809

**INFRASTRUCTURE SALES TAX.**

The levy of a special three-tenths of one percent (0.3%) Citywide retailers' sales tax and the application of the revenue received therefrom to pay for costs incurred in connection with the Sales Tax Projects as authorized by Ordinance 8348, is hereby authorized, with collection of the sales tax to commence in accordance with K.S.A. 12-191, on April 1, 2009, and to expire ten (10) years from the date the Sales Tax is first collected. (Ord. 8348)

1-810

**TRANSIT SALES TAX.**

(A) The levy of a special two-tenths of one percent (0.2%) Citywide retailers' sales tax and the application of the revenue received therefrom to pay for costs incurred in connection with the Transit Sales Tax Projects is hereby authorized, with collection of the sales tax to commence in accordance with K.S.A. 12-191, on April 1, 2009, and to expire ten (10) years from the date the 0.2% Sales Tax is first collected. (Ord. 8347)

(B) The levy of a special five one-hundredths of one percent (0.05%) Citywide retailers' sales tax and the application of the revenue received therefrom to pay for costs incurred in connection with the Additional Transit Sales Tax Projects is hereby authorized, with collection of the sales tax to commence in accordance with K.S.A. 12-191, on April 1, 2009, and to expire ten (10) years from the date the 0.05% Sales Tax is first collected. (Ord. 8347)

**ARTICLE 8A. FRANCHISE FEE**

1-8A01

**ELECTRICAL FRANCHISE FEE.**

(A) In consideration of the grant of this franchise and the premises herein, the Company agrees to pay and the City of Lawrence, Kansas agrees to accept as adequate compensation and consideration for the franchise hereby granted in lieu of any occupation, license, or privilege tax or any lease or easement charge, five percent (5%) of the total gross receipts from the sale of electrical energy during the term of this franchise to all consumers within the corporate limits of the City. The City may by ordinance modify the franchise fee, without approval of the Company, to an amount not to exceed five percent (5%) of the total gross receipts from the sale of electrical energy during the term of this franchise to all consumers within the corporate limits of the City, such ordinance shall take effect not earlier than ninety (90) days after publication. Total gross receipts shall include all sources of income generated, directly or indirectly, by the use of City property, right-of-way, and utility easements granted by this franchise. Gross receipts shall not include other operating revenues received by the Company, which are not related to the "sale of electrical energy." These other operating revenues include, by are not limited to, delayed payment charges, connection fees, disconnection and reconnection fees, collection fees and return check charges. (Ord. 6450, Ord. 6468, Ord. 8030)

(B) The franchise fee shall be paid monthly, by electronic transfer to the City of Lawrence, Kansas, or other method approved by the City and Company, for the preceding monthly period. On or before March 1 of every year, the Company shall also submit a report in substantially the same form as



Attachment A to this Ordinance which shall detail revenues from specific sources for the preceding year. The company shall pay the applicable fee to the City within forty-five (45) days of the last day of the applicable month for which a fee payment is due and owing. Payments received after the due date shall be subject to a late payment charge of one percent (1%) per month. Payments due and owing as a result of an audit of franchise fee payments shall be subject to a late payment charge of one percent (1%) per month; provided such late payment charges shall 1) begin to accrue forty-five (45) days after notice is mailed to the Company; and 2) the late payment charge shall only apply to audit generated payments agreed to by the City and the Company. In the event the Company makes an overpayment of franchise fee payments, the appropriate payment to the Company shall include a one percent (1%) per month charge beginning on and after forty-five (45) days after the City and the Company agree in writing to the amount of the overpayment. (Ord. 6450, Ord. 6468, Ord. 8030)

## **ARTICLE 9. PUBLIC RECORDS**

1-901

### **INSPECTION, COPYING FEES.**

It is the purpose of this Article to establish reasonable fees and charges for the provision of access to or copies of open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the Governing Body such changes in this Article as may be necessary to secure this purpose. (Ord. 5510, Section 1)

1-902

### **INSPECTION FEE.**

- (A) Where a request has been made for inspection of any open public record, which is readily available to the record custodian, there shall be no inspection fee charged to the requester.
- (B) In all cases not covered by Subsection (A) of this Section, a record inspection fee shall be charged at a rate based on the actual hourly rate of the individual doing the record search; in addition such inspection fee shall include an administrative fee of ten percent (10%). (Ord. 6237, Section 2)

1-903

### **COPYING FEE.**

- (A) A fee of twenty-five cents (\$0.25) per page, with a minimum of \$5.00 (for the first five pages) shall be charged for photocopying public records, such fee to cover the cost of labor, materials and equipment (Ord. 7025).
- (B) For copying any public records, which cannot be reproduced by the City's photocopying equipment, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.
- (C) A fee of five dollars (\$5.00) per card will be charged for fingerprints. A fee of five dollars (\$5.00) will be charged for fingerprints for Law Enforcement and National Security Checks per subject.
- (D) A fee of three dollars (\$3.00) may be charged for each notary stamp needed other than those required for Law Enforcement or National Security purposes. (Ord. 5648, Ord. 6237, Sec. 2)

1-904

**PREPAYMENT OF FEES.**

- (A) A record custodian shall demand prepayment of the fees established by this Article whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.
- (B) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed ten dollars (\$10.00).
- (C) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made. (Ord. 5510, Sec. 4)

1-905

**PAYMENT.**

All fees charged under this Article shall be paid to the custodian of the records inspected and/or copied. All fees received shall be paid to the City Treasurer on a daily basis. (Ord. 5510, Sec. 5)

**ARTICLE 10. RESERVED**

**ARTICLE 11. COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

1-1101

**ESTABLISHMENT OF ADVISORY COMMITTEE.**

The Community Development Advisory Committee is hereby established. (Ord. 8335)

1-1102

**PURPOSE OF ADVISORY COMMITTEE.**

The purpose of the Community Development Advisory Committee is to advise and assist the City of Lawrence, Kansas in program funding and policy recommendations regarding the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME). (Ord. 8335)

1-1103

**SPECIFIC DUTIES OF ADVISORY COMMITTEE.**

The Community Development Advisory Committee shall: (Ord. 8335)

- (A) Develop and propose funding strategies and policies.
- (B) Seek information and input from citizens who reside in low and/or moderate income neighborhoods or who are otherwise affected by CDBG/HOME activities.
- (C) Recommend the allocation of CDBG and HOME funds.
- (D) Review appeals made from determinations made by the Development Services staff regarding housing rehabilitation projects as prescribed in the Policies for Housing Rehabilitation Deferred Loans.
- (E) Review Residential Code and Property Maintenance Code appeals.

1-1104

**MEMBERSHIP.**

The Community Development Advisory Committee shall consist of eleven members. Each member shall be a resident of the City of Lawrence, Kansas. Members shall be from diverse elements of the community, with emphasis on people whose interests, commitment, and expertise can best fulfill the obligations and responsibilities of the Committee. Membership is voluntary and no voting member shall receive payment for service on the Advisory Committee. Members will be

appointed by the Mayor with the consent of the City Commissioners. A minimum of six members shall be low or moderate income or live in a low or moderate income area or neighborhood, as defined by HUD census data. There will be appointed no more than one individual from any particular area or neighborhood. The remaining five members will be appointed at large from the community. At least one of the eleven individuals shall also be a landlord. (Ord. 8335)

1-1105

**TERMS.**

Voting members of the Community Development Advisory Committee shall serve three year terms, except when appointed to fill out an unexpired term. Initial appointments will be for one-, two-, or three-year terms so that membership changes will be staggered. Members may serve two consecutive two-year terms. If originally appointed to an unexpired term, the member may complete the term plus two consecutive three-year terms. (Ord. 8335)

1-1106

**MEETINGS.**

Each year, one member shall be elected by the members of the Community Development Advisory Committee the Committee Chairperson, who shall preside at meetings. A second member shall be elected as the Vice-Chairperson, to preside at meetings in the absence of the Chairperson. Meetings shall be called at a time and place convenient to the Committee and shall be held as needed to conduct the business of the Committee. The meetings shall be subject to all applicable provisions of the Kansas Open Meetings Act. The Advisory Committee shall prepare and approve minutes of each of their meetings, which shall be forwarded to the City Commission. (Ord. 8335)

1-1107

**DECISIONS AND PROCEDURES OF THE COMMITTEE.**

Recommendations of the Community Development Advisory Committee shall be approved by majority vote of the members present and voting. The Advisory Committee shall adopt any lawful rules, regulations and by-laws it deems necessary for its operation. (Ord. 8335)

1-1108

**SEVERABILITY.**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8335)

**ARTICLE 12. SALES TAX AUDIT COMMITTEE**

1-1201

**SALES TAX AUDIT COMMITTEE, ESTABLISHED.**

A City Sales Tax Audit Committee (the "Committee") is hereby established for the purposes of reviewing the revenues and expenditures of the special sales taxes approved by a majority of the electors voting thereon on November 4, 2008, to verify that the approved City retailers' sales tax revenue is being used properly and in accordance with the purposes for which said City retailers' sales taxes were authorized. (Ord. 8349)

1-1202

**COMMITTEE MEMBERSHIP.**

The Committee shall consist of five (5) members who are all residents of the City, to be appointed by the Mayor with the approval of the Governing Body. Two (2) members shall serve an initial three-year term. Two (2) members shall serve an initial two-year term. One (1) member shall serve an initial one-year term. After their initial terms, committee members shall serve terms of three years. Members may be reappointed to serve an additional term, or terms, at the discretion of the Governing Body. The Governing Body shall fill any vacancies in the membership of the Committee. (Ord. 8349)

- 1-1203           **SAME, CHAIR.**  
The Committee shall designate a Chair who shall be responsible for presiding over meetings. The Committee shall meet at least once every six (6) months. The Chair, upon reasonable notice, shall be authorized to call additional meetings as needed. The City Manager, or his or her designee, shall provide staff support to assist the Committee. The first meeting of the Committee shall occur no later than June 1, 2009. (Ord. 8349)
- 1-1204           **SAME, MEETINGS. PURPOSE.**  
The Committee shall meet in a City facility. The Committee shall comply with the requirements of the Kansas Open Meetings Act and the Kansas Open Records Act. The Committee shall have the authority to review any records, receipts, invoices or other materials a majority of the Committee deems necessary to verify that the approved City retailers' sales tax revenue is being use properly and in accordance with the purposes for which the November 4, 2008 voter approved City retailers' sales taxes were authorized. (Ord. 8349)
- 1-1205           **SAME, REPORTS, FINDINGS.**  
The Committee shall make a written report of its findings and conclusions at least once every six (6) months to the Governing Body. A copy of such report, and any minutes of the Committee's meetings, shall be filed in the office of the City Clerk. (Ord. 8349)
- 1-1206           **SAME, RULES, BY-LAWS.**  
The Committee may recommend the adoption of by-laws governing its operation provided such by-laws are approved by the Governing Body and comply with the intent of this Ordinance and applicable laws and regulations. (Ord. 8349)
- 1-1207           **SEVERABILITY.**  
If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of the remaining parts of this ordinance. (Ord. 8349)

**ARTICLE 13. RESERVED**

**ARTICLE 14. SOCIAL SERVICE FUNDING ADVISORY BOARD**

- 1-1401           **SOCIAL SERVICE FUNDING ADVISORY BOARD ESTABLISHED; MEMBERSHIP.**  
There is hereby established the Social Service Funding Advisory Board, herein after referred to as the "Board". The Board shall be composed of no more than seven (7) members. The Board will be composed of: one member (1) who is a United Way liaison; and six members (6) who are citizens of Lawrence at large with interest in services including but not limited to affordable housing and neighborhood quality, homelessness, arts and culture, alcohol and drug related issues, public health and safety, or youth and families. Members shall not be employed by any agency receiving social service funding from the City. The Mayor, with the consent of the Governing Body, will appoint individual members of the Board. Members of the Board shall serve three (3) year terms, except when appointed to fill out an unexpired term. Members may serve for two consecutive three-year terms. If originally appointed to an unexpired term, the member may complete that term plus two consecutive three-year terms. The Board shall elect every year a member from its membership to serve as Chair who shall preside at meetings. (Ord. 8501)

- 1-1402           **SAME, BY-LAWS; MEETINGS.**  
The Board shall adopt rules and by-laws as deemed appropriate, provided such by-laws are not inconsistent with this ordinance or the provisions of Charter Ordinance No. 33. Specific duties and responsibilities of the Chair shall be stipulated in the by-laws. The Board shall meet at such time and place as may be established in the by-laws of the Board. (Ord. 8501)
- 1-1403           **SAME; MINUTES.**  
The Board shall prepare and approve minutes of its meetings, and forward the same to the City Commission. (Ord. 8501)
- 1-1404           **SAME, BOARD DUTIES.**  
The duties of the board shall be as follows. (Ord. 8501, Ord. 9129)
- (A)           As part of the annual City Budget, the board shall review requests and make recommendations to the City Commission on the use of the following City resources:
- (1)           Special Alcohol and Drug Abuse Funds, excluding the use of funds by City departments, using the criteria as outlined in Charter Ordinance No. 33;
- (2)           Resources in the City's General Operating Fund for social service agencies;
- (B)           Recommend to the City Commission such reporting requirements on the use of the City Funds as the Board determines appropriate.
- (C)           Evaluate the use of City Funds by recipients and report to the City Commission on such findings and determinations as the Board determines appropriate.
- 1-1405           **OPEN MEETINGS AND OPEN RECORDS.**  
All meetings of the Board shall be held in compliance with the Kansas Open Meetings Act and its records shall be subject to the Kansas Open Records Act. (Ord. 8501)

**ARTICLE 15. LAWRENCE CULTURAL ARTS COMMISSION**

- 1-1501           **COMMISSION ESTABLISHED; MEMBERSHIP.**  
The Governing Body of the City of Lawrence hereby endorses continued existence of the Lawrence Arts Commission which was established December, 1973. From this day forward the Lawrence Arts Commission shall be named and referred to as the Lawrence Cultural Arts Commission (Cultural Arts Commission), which shall consist of the mayor, or his/her appointee; the chairperson of the Lawrence-Douglas County Planning Commission, or his/her appointee; and the chairperson of the Parks and Recreation Advisory Board, or his/her appointee, all ex-officio members and eleven (11) members to be appointed by the Mayor as persons competent to determine the value of artistic works, architecture and events which affect the environment of the City of Lawrence. The chairperson of the Cultural Arts Commission shall be elected annually from among the eleven (11) appointed members. Members of the Cultural Arts Commission shall receive no compensation. The terms of office for appointed members shall be three (3) years. Any vacancies shall be filled by appointment by the Mayor for the un-expired terms. Appointed members may not be appointed for more than two (2) consecutive three (3) year terms except that a member appointed

to fill an un-expired term shall, if reappointed, be entitled to serve two (2) full three (3) year terms in addition to the partial term. (Res. 3951, Res. 4765, Res. 6773).

1-1502

**SAME; ARTS COMMISSION DUTIES.**

The mission (purpose) of the Lawrence Cultural Arts Commission is to enhance and enliven the community by promoting cultural opportunities and arts education while nurturing an environment of aesthetic vitality. In order to effectuate this mission, the Cultural Arts Commission shall have the following responsibilities: (Res. 6773)

(A) Upon their own initiative:

- (1) Recommend works of art for purchase and/or recommend projects relating to the purchase of art.
- (2) Recommend for consideration by the Governing Body various artistic events and/or projects related to artistic endeavors within the community.
- (3) Present awards of recognition related to various artistic endeavors within the community.
- (4) Make recommendations to the Governing Body regarding any matter believed to have a significant impact upon the aesthetic environment of the community.

(B) Upon request of the Governing Body:

- (1) Recommend works of art for purchase and/or recommend projects relating to the purchase of art.
- (2) Present awards of recognition related to various artistic endeavors within the community.
- (3) Study any proposed project with regard to various elements of artistic concern and prepare conclusions for consideration by the Governing Body.
- (4) Undertake fund raising projects in conjunction with the purchase of works of art by the City or development of artistic events by the City.
- (5) Conduct a review of plans, proposals, or projects relating to architecture, works of art or artistic events and present advice and/or recommendations to the Governing Body.
- (6) Coordinate or assist artistic and cultural events within the community including the procurement of physical facilities for such events and support of those groups which are participating in such events.

For the purpose of section (B), artistic events includes: festivals, concerts, theatrical productions, and exhibitions.

**ARTICLE 16. RESERVED**

**ARTICLE 17. LOCAL PURCHASING PREFERENCE POLICY**

1-1701

**LOCAL PURCHASING PREFERENCE POLICY.**

The City of Lawrence hereby adopts a local purchasing preference as set forth in this Article. The City Manager, or his or her designee, is authorized to amend the City's purchasing policy to include the provisions set forth in this Article. (Ord. 8386)

1-1702

**DEFINITIONS.**

Local business entity, as used in this article, shall mean any person, firm, corporation or other business entity complying with all of the following requirements: (Ord. 8386)

- (A) The business entity must have established a permanent place of business within the city limits of Lawrence at least six (6) months prior to the submittal of a bid; and
- (B) The place of business must be a location whose principal use is for business purposes, shall not be a post office box, and shall not be within or part of a residential location including, but not limited to, a home, residence, hotel or motel; and
- (C) The business entity shall not have any outstanding liens, fines or unsatisfied final judgments with the City of Lawrence.

1-1703

**CERTIFICATION OF LOCAL BUSINESS ENTITY STATUS.**

A business entity shall claim in writing at the time of bid submittal that it meets the definition of "local business entity." City staff shall attempt to verify whether the business entity meets the definition of a "local business entity" set forth in this Article. If City staff cannot conclusively verify that the business entity is a "local business entity" as defined in this Article, the preference shall not apply. (Ord. 8386)

1-1704

**LOCAL PREFERENCE.**

The governing body of the City of Lawrence may, at its sole discretion, award one of the following local preferences: (Ord. 8386)

- (A) A responsible bid from a local business entity that is no more than one percent (1%) and no more than \$10,000 higher than the lowest responsible bid may be preferred over the lowest responsible bid; or
- (B) If all aspects of a responsible bid from a local business entity are equal to the responsible bid from a non-local business entity, the local business entity may be preferred.

1-1705

**APPLICABILITY OF THE LOCAL PREFERENCE.**

- (A) Any local preference awarded by the governing body of the City pursuant to this Article shall only apply to bids equal to or greater than \$15,000. (Ord. 8386)
- (B) The local preference shall not apply to bids in which federal funds or other funds are used that prohibit the application of the preference. (Ord. 8386)
- (C) The local preference shall not apply to bids for the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement of any street, highway, public grounds, or public building or facility, or any other kind of public improvement commenced or ordered by the governing body. (Ord. 8386)

- (D) The local preference shall not apply to cooperative purchasing agreements or contracts in which the City participates. These agreements or contracts may be subject to review by the governing body. (Ord. 8386)

## **ARTICLE 18. AFFORDABLE HOUSING ADVISORY BOARD**

1-1801

### **PURPOSE.**

In order to advance the health, safety, and welfare of all residents of the City of Lawrence, it is the goal of the Governing Body that **all** persons in the community have access to affordable housing and supportive services necessary to maintain independent living with dignity. To those ends, the Governing Body hereby establishes the Affordable Housing Advisory Board to oversee and to make certain recommendations regarding the Affordable Housing Trust Fund. (Ord. 9129)

1-1802

### **AFFORDABLE HOUSING ADVISORY BOARD; ESTABLISHMENT; MEMBERSHIP; TERMS OF OFFICE; TERM LIMITS; APPOINTMENT OF CHAIR.** (Ord. 9129, Ord. 9427, Ord. 9457)

- (A) There is hereby established the Affordable Housing Advisory Board ("Board"). The Board shall be composed of not more than twelve (12) persons. The Board will be composed of:

- (1) two representatives of the City of Lawrence, Kansas, appointed by the Governing Body;
- (2) one representative of Douglas County, Kansas, appointed by the Board of County Commissioners of Douglas County, Kansas;
- (3) one representative of the Lawrence-Douglas County Housing Authority, or any successor in interest, appointed by the Governing Body;
- (4) one representative of Family Promise of Lawrence, or any successor in interest, appointed by the Governing Body;
- (5) one representative of Lawrence Habitat for Humanity, or any successor in interest, appointed by the Governing Body;
- (6) one representative of Tenants to Homeowners, Inc., or any successor in interest, appointed by the Governing Body;
- (7) one representative -- who shall be a current or former resident of subsidized housing -- of persons residing in subsidized housing, appointed by the Governing Body;
- (8) one representative of Justice Matters of Lawrence, or any successor in interest, appointed by the Governing Body;
- (9) one representative of the Lawrence Home Builders Association, or any successor in interest, appointed by the Governing Body;
- (10) one representative of the University of Kansas, or any successor in interest, appointed by the Governing Body;
- (11) one representative of the Lawrence Chamber of Commerce, or any successor in interest, appointed by the Governing Body; and



(12) one representative of the Lawrence Board of Realtors, or any successor in interest, appointed by the Governing Body.

(B) Members of the Board shall serve three (3) year terms, except when appointed to complete an unexpired term. As established by the bylaws, the terms of Board members shall be staggered so that no more than one-third of the Board's terms shall expire each year. No member shall serve more than two (2) consecutive full, 3-year terms. All members of the Board shall serve without compensation.

(C) The Board shall elect annually a member of the Board to serve as Chair, who shall preside at meetings.

1-1803

**SAME; BYLAWS AND MEETINGS.**

The Board shall adopt bylaws governing the procedures to be used by the Board. The bylaws shall establish specific duties and responsibilities of the Chair, the time and place for meetings, rules of order, and other rules governing procedures and operations of the Board, including procedures for amending the bylaws. (Ord. 9129)

1-1804

**SAME; CONFLICTS OF INTEREST**

All Board members shall by abstention refrain from participating in the decision-making process, including discussing and voting, on any item for which he or she, his or her employer, or the entity which he or she is representing appears before the Board and would receive direct financial benefit if the item was to be approved by the Governing Body. (Ord. 9129)

1-1805

**SAME; MINUTES.**

The Board shall prepare and approve minutes of its meetings and shall forward the same to the City Commission. (Ord. 9129)

1-1806

**SAME; OPEN MEETINGS AND OPEN RECORDS.**

All meetings of the Board shall be held in compliance with the Kansas Open Meetings Act and its records shall be subject to the Kansas Open Records Act. (Ord. 9129)

1-1807

**SAME; AFFORDABLE HOUSING TRUST FUND**

The name of the Housing Trust Fund is hereby changed to the Affordable Housing Trust Fund. The purpose of the Affordable Housing Trust Fund is to support the acquisition, rehabilitation, and development of affordable housing and supportive services so that all persons in the community have access to independent living with dignity. (Ord. 8501, Ord. 9129)

1-1808

**SAME; BOARD DUTIES.**

The Board shall be an advisory board to the Governing Body on all matters relating to the City's implementation and use of the Affordable Housing Trust Fund. The Board shall have the following purpose and duties: (Ord. 9129)

(A) To advise the Governing Body regarding issues affecting affordable housing and supportive services in the community.

(B) To oversee and to facilitate the purpose of the Affordable Housing Trust Fund, which is to support the acquisition, rehabilitation, and development of affordable housing and supportive services so that all persons in the community have access to independent living with dignity;

(C) To make recommendations to the Governing Body regarding the expenditure of money from the Affordable Housing Trust Fund in order to

fund projects, as reviewed and approved by the Board, that are consistent with the purpose of the Affordable Housing Trust Fund; and

- (D) To make recommendations to the Governing Body regarding the cultivation and maintenance of steady and various streams of income to fund the Affordable Housing Trust Fund. However, the Board shall not apply for any grant without prior approval of the Governing Body; nor shall it accept any gift or donation without prior approval of the Governing Body.

1-1809 **SAME; EXPENDITURE OF AFFORDABLE HOUSING TRUST FUND MONEY**  
After the Governing Body has approved, for any project, the expenditure of money from the Affordable Housing Trust Fund, the Board shall distribute said money to the Community Development Division of the Department of Planning and Development Services, which Department shall then disburse said money pursuant to the direction of the Governing Body and in accordance with the City's purchasing policy. (Ord. 9129)

1-1810 **SAME; ANNUAL REPORT.**  
The Board shall make annual reports to the Governing Body, no later than March 1 of each year, recounting Board activities of the preceding calendar year. Such reports shall, at a minimum, disclose all financial transactions involving monies raised and received by the Board, including gifts and donations, and all projects which the Board recommended and for which the Governing Body approved expenditures of money from the Affordable Housing Trust Fund. The annual report shall be filed with the City Clerk. (Ord. 9129)

#### **ARTICLE 19. SUSTAINABILITY ADVISORY BOARD**

1-1901 **SUSTAINABILITY ADVISORY BOARD, ESTABLISHED.**  
There is hereby established the Sustainability Advisory Board, hereinafter referred to as "SAB". The SAB shall be composed of ten (10) members. The Mayor, with the consent of the Governing Body, will appoint individual members of the board. The board shall serve as a representative body for the community, and shall involve volunteers and community members. Members of the Committee shall serve three (3) year terms, except when appointed to fill out an unexpired term. Members may serve for two consecutive three year terms. If originally appointed to an unexpired term, the member may complete that term plus two consecutive three-year terms. The Committee shall elect every year a member from its membership to serve as Chair who shall preside at meetings. The Committee shall prepare and approve minutes of its meetings, and forward the same to the City Commission. The Committee shall adopt by-laws as deemed appropriate, provided such by-laws are not inconsistent with this article. (Ord. 8101)

1-1902 **PURPOSE OF THE SUSTAINABILITY ADVISORY BOARD.**  
The mission of the SAB is to promote environmental protection, and advocate for policies which support sustainability (including environmental protection, was reduction, recycling, energy conservation and natural resource conservation) in the City of Lawrence and to enhance the quality of life by enhancing the City's efforts in these areas. (Ord. 8101)

1-1903 **SAME; DUTIES.**  
The SAB shall advise the Lawrence City Commission and staff in the following ways. The Board should: (Ord. 8101)

- (A) Monitor and review present environmental protection, waste reduction,

recycling, energy conservation, and natural resource conservation efforts.

- (B) Assist the Lawrence City Commission and city staff to develop and establish goals and priorities for future environmental protection, waste reduction, recycling, energy conservation, and natural resource conservation efforts.
- (C) Advise the Lawrence City Commission and city staff on practical methods and programs to reach their goals for future environmental protection, waste reduction, recycling, energy conservation, and natural resource conservation efforts.
- (D) Serve as an information resource for the Lawrence City Commission and city staff. Receive reports on environmental protection, waste reduction, recycling, energy conservation, and natural resource conservation from staff of all affected city departments.
- (E) Maintain regular communication with the Lawrence City Commission and city staff regarding advisory board activities and recommendations.

## **ARTICLE 20. RESERVED**

## **ARTICLE 21. PUBLIC INCENTIVES REVIEW COMMITTEE**

1-2101

### **PURPOSE.**

In order to advance the health, safety, and welfare of all residents of the City of Lawrence, it is the goal of the Governing Body to use judiciously those economic development incentives created by the Kansas legislature to stimulate the local economy. To that end, the Governing Body hereby establishes the Public Incentives Review Committee (PIRC) to review requests for economic development incentives and to make certain recommendations to the Governing Body regarding the use of economic development incentives. PIRC shall also review the annual economic development funding requests submitted to the City Commission and County Commission (Ord. 9325, Ord. 9397)

1-2102 **PUBLIC INCENTIVES REVIEW COMMITTEE; ESTABLISHMENT; MEMBERSHIP.**

- (A) There is hereby established the Public Incentives Review Board ("PIRC"). PIRC shall be composed of not more than eight (8) persons. PIRC will be composed of: (Ord. 9325, Ord. 9397, Ord. 9458)
  - (1) a member of the Board of County Commissioners, appointed by the Board of County Commissioners;
  - (2) a member of Unified School District No. 497 School Board, or a School Board representative, appointed by the School Board;
  - (3) a professional analyst, appointed by the Mayor with the consent of the Governing Body, who shall serve a three-year term;
  - (4) a member of the Board of the Economic Development Corporation of Lawrence and Douglas County as appointed by the Board of Economic Development Corporation of Lawrence and Douglas County;

- (5) a resident of the City, appointed by the Mayor with the consent of the Governing Body, from a list of not less than three persons selected by the Sustainability Advisory Board, who shall serve a three-year term; and
- (6) three residents of the City, appointed by the Mayor with the consent of the Governing Body, who shall serve a three-year term.

- 1-2103 **SAME; BYLAWS AND MEETINGS.**  
PIRC shall adopt bylaws governing the procedures to be used by PIRC. The bylaws shall establish specific duties and responsibilities of the Chair, the method for selection of the Chair, the time and place for meetings, rules of order, and other rules governing procedures and operations of PIRC, including procedures for amending the bylaws. (Ord. 9325. Ord. 9397)
- 1-2104 **SAME; CONFLICTS OF INTEREST**  
All PIRC members shall by abstention refrain from participating in the decision-making process, including discussing and voting, on any item for which he or she, his or her employer, or the entity which he or she is representing appears before PIRC and would receive direct financial benefit if the item was to be approved by the Governing Body. (Ord. 9325)
- 1-2105 **SAME; MINUTES.**  
PIRC shall prepare and approve minutes of its meetings and shall forward the same to the City Commission. (Ord. 9325)
- 1-2106 **SAME; OPEN MEETINGS AND OPEN RECORDS.**  
All meetings of PIRC shall be held in compliance with the Kansas Open Meetings Act and its records shall be subject to the Kansas Open Records Act. (Ord. 9325)
- 1-2107 **SAME; PIRC DUTIES.**  
PIRC shall be an advisory board to the Governing Body on all matters relating to the City's use of economic development incentives. PIRC shall have the following purpose and duties: (Ord. 9325, Ord. 9397)
  - (a) PIRC shall review, make comments, and make recommendations to the Governing Body regarding requests for economic development incentives and the City's policies regarding economic development incentives and such recommendations should be made taking into consideration City economic development policy, the City's comprehensive plan and strategic plan and any other relevant City-wide policy;
  - (b) PIRC shall, through the City's annual incentives report, monitor all economic development incentives to ensure compliance with the Performance Agreement, state law, and "City of Lawrence, Kansas, Economic Development Policy;"
  - (c) PIRC shall ensure that the public, the County, and the School District have an opportunity to participate in procedures related to requests for economic development incentives;
  - (d) PIRC shall review the annual economic development funding requests for the City Commission and the Douglas County Commission.
  - (e) PIRC shall gather and review such additional information as may be necessary to determine if an applicant or petitioner meets the target goals and objectives, as established by the "City of Lawrence, Kansas, Economic

Development Policy”; and

- (f) PIRC shall perform such other economic development or related duties as may, from time to time, be requested by the Governing Body.

**ARTICLE 22 RESERVED**

**ARTICLE 23. RESERVED**

**ARTICLE 24. HOMELESS ISSUES ADVISORY COMMITTEE**

- 1-2401 **COMMISSION ESTABLISHED.**  
The Homeless Issues Advisory Committee is hereby established as an advisory commission to the City. (Res. 6608, Res. 6951)
- 1-2402 **PURPOSE OF COMMISSION.**  
The Homeless Issues Advisory Committee shall report to and advise the Governing Body on issues facing the homeless within the community.
- 1-2403 **DUTIES.**  
The Homeless Issues Advisory Committee shall function as an advisory body to the Governing Body and shall make recommendations to it regarding the advancement of appropriate programs and services for the homeless. The Homeless Issues Advisory Committee may also make similar reports, findings, and recommendations available to other governmental bodies in Douglas County, as appropriate, to advance the purpose of the Homeless Issues Advisory Committee. The Homeless Issues Advisory Committee shall also provide recommendations on homeless issues to the Governing Body as requested or directed thereby, evaluate progress toward stated goals and programs regarding the homeless, review local Continuum of Care proposals to ensure the coordination of homeless programs and to avoid the duplication of services, promote community awareness of existing programs and resources in order to assist homeless individuals and families within the community and Douglas County, and to facilitate communications between the interested stakeholders. To accomplish those duties, the Homeless Issues Advisory Committee shall gather opinions and concerns regarding the homeless from those experiencing homelessness as well as from the interested stakeholders, and it shall monitor program and service effectiveness. From those surveys, the Homeless Issues Advisory Committee shall produce and deliver to the Governing Body an annual report setting forth its findings and recommendations. (Res. 6951)
- 1-2404 **NUMBER AND QUALIFICATION OF MEMBERS.**  
2 The Homeless Issues Advisory Committee shall be composed of no more than eleven (11) members, each of whom shall reside and/or work within Douglas County. Membership on the Homeless Issues Advisory Committee is entirely voluntary and no member shall receive payment therefor.
- 2-2402 **APPOINTMENTS.**  
With the consent of the Governing Body, the Mayor shall appoint members to the Homeless Issues Advisory Committee. The appointments shall include diverse groups of persons from the following stakeholder groups: The Lawrence-Douglas County Housing Authority, law enforcement, Lawrence Memorial Hospital, mental health providers, and other homeless community representatives and advocates. In

addition, the remaining members may be recruited from agencies receiving Continuum of Care funds, including any of the following stakeholder groups: private housing providers, emergency service providers, local businesses, social service providers (such as SRS and Douglas County Senior Services), funding source representatives, faith-based representatives (such as InterFaith Initiative), neighborhood and community representatives, or other sources.

2-2403

**TERMS, TERM LIMITS.**

Each member of the Homeless Issues Advisory Committee shall be appointed to serve a term of three years. No member shall be reappointed to the Homeless Issues Advisory Committee if he or she has served two full consecutive terms. For the purposes of determining eligibility for reappointment, any unexpired term of more than two years shall be deemed a full term. Regardless of the date of any member's appointment, the expiration date of any term shall be December 31st of the appropriate year.

2-2404

**MEETINGS.**

3

The Homeless Issues Advisory Committee shall convene regularly at such time and at such place as presently determined. Meeting times and locations may be altered by consent of the majority of all members.

3-2402

**BY-LAWS.**

The Homeless Issues Advisory Committee shall prepare bylaws to govern its internal structure and its decision-making procedure. At a minimum, the bylaws shall require the same structure and shall include the rules established by this Resolution. The bylaws shall also, at a minimum, require the affirmative vote of a majority of a quorum of all then-current members to make recommendations or to take other significant action. A quorum shall consist of a majority of all then-current members. The bylaws shall further require, at a minimum, the following officers: a Chair, who shall call and preside over all meetings, and a Vice-Chair, who shall serve in the absence of the Chair.

3-2403

**OPEN MEETINGS AND OPEN RECORDS.**

All meetings of the Homeless Issues Advisory Committee shall be held in compliance with the Kansas Open Public Meetings Act of 1972, codified as amended at K.S.A. 75-4316 *et seq.* All records of the Homeless Issues Advisory Committee shall be subject to the provisions of the Kansas Open Records Act of 1984, codified as amended at K.S.A. 45-205 *et seq.*

3-2404

**OVERSIGHT.**

The Governing Body shall, from time to time, review whether the continued existence of the Homeless Issues Advisory Committee is necessary or desirable and, if so, whether any amendments should be made to this Resolution, to the purpose of the Homeless Issues Advisory Committee, or to its the duties. If the City takes no formal action to terminate the Homeless Issues Advisory Committee, to alter its purpose or duties, or to amend this Resolution, then the Homeless Issues Advisory Committee shall continue to operate in accordance with the terms of this Resolution and its bylaws.

**ARTICLE 25. COMMUNITY POLICE REVIEW BOARD**

1-2501

**ESTABLISHMENT OF THE COMMUNITY POLICE REVIEW BOARD.**

There is hereby established the Community Police Review Board, hereinafter referred to as the "Board." The Board shall serve at the pleasure of the City Commission and its duties may be suspended by the City Commission for cause at

any time. (Ord. 9324 – formerly the Lawrence Citizen Advisory Board, renamed to the Citizen Advisory Board for Fair and Impartial Policing - Ord. 7936, Ord. 9124)

1-2502

**PURPOSE OF THE BOARD.**

The purpose of the Board is limited first to advising and assisting the City of Lawrence and its police department in policy development, education, community outreach and communications related to racial or other bias-based policing. Second, the Board members may provide an independent, accessible, and efficient means for which the public may submit a complaint of alleged police misconduct in a confidential manner. The Board may also assist in reviewing completed Racial or Other Bias-Based Policing investigations conducted by the police department, when appropriately appealed by a complainant. (Ord. 9324)

1-2503

**DEFINITIONS.**

(Ord. 9324)

(A) **Racial or Other Bias-Based Policing** – The unreasonable use of race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, or religion by a law enforcement officer in deciding to initiate a law enforcement action. It is not racial or other bias-based policing when race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, or religion is used in combination with other identifying factors as part of a specific individual description to initiate a law enforcement action.

(B) **Complaint** – An expression of dissatisfaction that contains an allegation that, if proved to be true, would be a violation of department policy.

1-2504

**SPECIFIC DUTIES OF THE BOARD.**

(Ord. 9324)

(A) The Board shall:

- (1) Review Lawrence Police Department policies regarding Racial or Other Bias-Based Policing and make recommendations to the Police Chief for the amendment of those policies or the adoption of additional policies on that subject as it deems necessary.
- (2) Review the police department's annual training on Racial or Other Bias-Based Policing, and if necessary suggest substitute or additional training to prevent Racial or Other Bias-Based Policing.
- (3) Assist the police department with community outreach opportunities involving Racial or Other Bias-Based Policing prevention.
- (4) Advise the police department about community concerns related to Racial or Other Bias-Based Policing.
- (5) Receive annual reports regarding Racial or Other Bias-Based Policing from the police department no later than July 31<sup>st</sup> of each year. Such report should be presented to the Board prior to its submission to the Kansas Attorney General. At a minimum, the report shall contain the information required by K.S.A. 22-4610(d)(2), as amended.
- (6) Report to the City Commission from time to time regarding its activities, including an annual report to be presented to the City Commission at the first regularly scheduled Lawrence City Commission meeting following July 31<sup>st</sup> of each year.

- (7) Review and render advice on such other matters related to Racial or Other Bias-Based Policing as are assigned to the Board by the Chief of Police, City Manager, or City Commission.
  - (8) Have the authority to receive Complaints of alleged police misconduct from the public. Such Complaints shall be forwarded to the police department for investigation in the manner in which any other such allegation of misconduct is normally investigated. Board members shall receive the Complaint in a confidential manner and shall not make specific inquiries of the Complaint beyond the scope of information necessary to ensure that the Complaint form is properly processed. Board members shall not conduct their own investigation into allegations of misconduct. In any case in which a Board member receives a Complaint authorized under this Article, such member shall, within three (3) business days of receiving the Complaint, forward it to the Police Department's Office of Professional Accountability Sergeant for investigation.
- (B) In any case in which a Complaint related to racial or other bias-based policing is submitted to either the Police Department or the Board, and the complainant is unsatisfied with the Police Department's findings, the complainant may appeal the findings to the Board, in writing, within 14 days of receipt of notification of the department's findings. Unless prohibited by federal, state, or local laws or state or federal law enforcement regulations, the Board shall, upon written request of the complainant, review the Police Department's investigation to determine if further investigation is needed. Such review shall take place in executive session, in accordance with K.S.A. 75-4319. If offered, the Board shall accept a written statement from the complainant before it recesses into executive session.
- (C) (1) During its review of an appeal in executive session, the Board shall be provided a copy of the Office of Professional Accountability file, in its entirety, except that such file may be redacted to protect confidential information as determined on a case-by-case basis to protect private information regarding the complainant, witness, or police officer, or to protect the integrity of any on-going criminal investigation, if applicable.
- (2) Effort shall be made to provide as much information as possible to the Board in its review of an appeal under this subsection. Only that information that would subject the City to civil or criminal liability, that would otherwise adversely affect an on-going criminal investigation, on-going criminal prosecution, on-going civil action, or that is otherwise prohibited by law or policy, may be redacted. Audio and video recordings shall be provided unless redaction is necessary and cannot be accomplished, in which case the City Attorney, or his or her designee, shall cause a summary of the recording to be made.
- (3) Redactions that are permitted under subsection (c)(2) above include, but are not limited to: criminal history record information; criminal investigation records, as identified by K.S.A. 45-221(a)(10); information pertaining to juveniles; information pertaining to victims of domestic violence or any sexual crime; information protected by the Health Insurance Portability and Accountability Act (HIPAA); treatment records, including medical, psychiatric, psychological, alcoholism or drug dependency treatment records; unexecuted search warrants or arrest warrants; expunged criminal records; certain portions of presentence reports; grand jury proceeding records; certain child in need of care records; personally identifiable records



of students pursuant to state and federal law; Social Security numbers; phone numbers; email addresses; home addresses; dates of birth; driver's license numbers; records that are privileged under the Rules of Evidence, such as the attorney/client privilege; information pertaining to Homeland Security or national security; information related to arrests with completed diversions.

(4) Redactions shall be made by the Office of Professional Accountability Sergeant, or his or her designee, and shall be approved in advance by the City Attorney or his or her designee. Such file shall not be copied, photographed, or otherwise duplicated during the Board's review, and shall be returned to the Office of Professional Accountability Sergeant, or his or her designee, immediately upon the conclusion of the executive session. Upon conclusion of its review, the Board shall deliberate in executive session.

- (D) The Board shall review the Police Department's findings to determine whether they are supported by substantial competent evidence. Substantial competent evidence exists when a reasonable person, when reviewing the evidence, would accept the Police Department's findings as being sufficient to support its underlying conclusion. In its review of the Police Department's factual findings, the Board will review the evidence but will not reweigh it, and it will not make witness credibility determinations. If the Board concludes that the evidence is sufficient to support the Police Department's findings, then such findings shall be based upon substantial competent evidence in the record and the Board shall affirm the Police Department's finding.
- (E) Based upon its confidential review and deliberations of a Complaint under Sub-Section (b)(1) of this Section, the Board shall make a written recommendation to the City Manager, affirming or disputing the Police Department's findings and making a recommendation on whether further investigation is needed, but shall not make a recommendation for disciplinary action. The City Manager shall consider the Board's recommendation and affirm or deny the Police Department's investigation. The City Manager shall then render a decision concerning discipline, if appropriate, in accordance with the City's employee handbook.

1-2505

**MEMBERSHIP.**

The Board shall consist of seven members. Membership is voluntary and no voting member shall receive payment for service on the Board. Members will be appointed by the City Commission upon the recommendation of the Mayor. In making the appointments, the City Commission shall include participants who reflect the racial and ethnic makeup of the community. The Chief of Police may designate an employee of the City to be his liaison to the Board, and such designee shall serve as a nonvoting, *ex officio* member of the Board. (Ord. 9324)

1-2506

**QUALIFICATIONS.**

(Ord. 9324)

- (A) Individuals must possess the following qualifications to be appointed to the Board:
  - (1) Be at least eighteen (18) years of age;
  - (2) Be a resident of the City of Lawrence, Kansas or own a business within the City of Lawrence, Kansas;

- (3) Not be employed by the City of Lawrence or be the immediate family member of an employee of the Lawrence Police Department;
  - (4) Not be a member of or the immediate family member of any member of the Lawrence City Commission;
  - (5) Have no pending criminal charges in any local, state, or federal jurisdiction or court of law;
  - (6) Have never been convicted of, and not currently on probation, parole, or participating in a diversion or deferred judgment agreement for any conviction of the following offenses:
    - (a) Battery on, resisting, obstructing, or interfering with a law enforcement officer;
    - (b) Crimes of dishonesty or false statements; or
    - (c) Crimes of moral turpitude, which include charges of prostitution, patronizing a prostitute, promoting prostitution, sale of sexual relations, buying sexual relations, soliciting for immoral purposes, lewd and lascivious behavior, sodomy, promoting sodomy for hire, patronizing a person offering sodomy for hire, sexual battery, loitering for the purposes of solicitation, indecent liberties with a child, incest, adultery, bigamy, promoting obscenity, promoting obscenity to minors, displaying material harmful to minors, and sale or distribution of any illegal drug;
 

Have never been convicted of, within the previous five (5) years, and not currently on probation, parole, or participating in a diversion or deferred judgment agreement for the following offenses:
    - (d) Possession of controlled substances;
  - (7) Is not registered as a sex offender with any state, county, or local government;
  - (8) Have not been convicted of a felony or a domestic violence offense as defined by the statutes of the State of Kansas.
  - (9) Is not an elected local, state, or federal public official or a candidate for any such office;
  - (10) Is not a current or past party or representative of a party making a claim against the City of Lawrence for any action or inaction of an employee of the City of Lawrence within the previous 10 years;
  - (11) Is not in arrears on any payment plan for any fines, fees, court costs, taxes, or other delinquent penalties to the City of Lawrence.
- (B) In addition to the above qualifications, all applicants for appointment to the Board must:
- (1) Submit to a criminal background check;

- (2) Sign a confidentiality agreement, agreeing that all information reviewed and discussed regarding the receipt of a Complaint or post discipline review of an Office of Professional Accountability investigation will be kept confidential and not disclosed to any person outside the City Manager's Office, City Attorney's Office, or Office of the Chief of Police, or any other person whom those offices deem necessary to receive such information.
- (3) Complete racial or other bias-based policing training within six (6) months of appointment;
- (4) Complete KOMA (Kansas Open Meetings Act) and KORA (Kansas Open Records Act) training within ninety (90) days of appointment.
  - (i) In addition to the required training set out in this Section, the Board shall receive additional training, as designated by the City Manager or his or her designee, to assist the Board in its duties. Such training may include, but is not limited to, police use of force and training to ensure the Board's understanding of the police department's current investigation processes. Any training that the Board receives shall be provided by a trained professional in the fields of law, Racial or Other Bias-Based Policing, law enforcement, and other such professionals as the City Manager, in consultation with the Chief of Police, deems appropriate. The City Manager or his or her designee shall report annually to the City Commission regarding the Board's training. Such report shall include all topics of training the Board has received during the last calendar year along with the length and provider of each.

(C) The City Clerk, or his or her designee, shall review each application for a Board Member to ensure that such applicant has properly completed the application. If the Mayor selects an applicant for nomination to the Board, such applicant will receive a conditional offer of appointment, at which time a thorough background check will commence to ensure the applicant meets the qualifications set out in this section.

(D) If at any time after a Board Member is formally appointed to the Board it is determined that any portion of his or her application is fraudulent, to include a material misrepresentation or a false statement, such Board Member shall be immediately removed from the Board.

1-2507

**CONFIDENTIALITY.**

Board Members participating in the appeal of a Complaint related to racial or other bias-based policing or any other complaint they receive from a citizen shall sign a confidentiality agreement indicating such member's agreement to protect the privacy of officers and others involved and the confidentiality of the Board's proceedings. A confidentiality agreement must be signed by the Board member before such member may serve on the Board. A breach of confidentiality or violation of the confidentiality agreement shall result in immediate removal from the Board. (Ord. 9324)

1-2508

**BREACH OF PRIVACY.**

(A) Breach of privacy is knowingly and without lawful authority disclosing to any person confidential information received during an executive session of the Governing Body or a board established by the Governing Body. (Ord. 9324)

(B) Breach of privacy is a class A nonperson misdemeanor. (Ord. 9324)

1-2509

**TERMS.**

Voting members of the Board shall serve no more than two (2) consecutive three (3) year terms, except that a member appointed to fill an unexpired term shall be entitled to serve two (2) three (3) year terms in addition to the partial term. Upon the resignation of any such member, the City Commission shall, upon recommendation of the Mayor, appoint a new member to serve the unexpired portion of the resigning member's term. The Mayor, with majority consent of the City Commission, shall have the ability to remove a Board member for reasons of just cause, including but not limited to, poor attendance, violation of the confidentiality requirements under this Article, or personal conduct inconsistent with the expectations of the City of Lawrence. The Chief of Police's designee shall serve at the pleasure of the Chief of Police. (Ord. 9324)

1-2510

**MEETINGS.**

(A) Each year, one member shall be elected by the members of the Board to serve as the Board Chairperson, who shall preside at meetings. The initial meeting shall be at a time and date specified by the Mayor. All subsequent meetings shall be as called by the Board Chairperson, the Chief of Police, or by a majority of the members of the Board, and at least one meeting shall be held quarterly, provided there are agenda items to be discussed. The meetings shall be subject to all applicable provisions of the Kansas Open Meetings Act. The Board shall prepare and approve minutes of each of their meetings, which shall be forwarded to the City Commission. (Ord. 9324)

(B) The Board Chairperson may allow public comment during open meetings, but such public comment shall not include comments regarding individual officer misconduct. The Board Chairperson, or his or her designee in the event the Chairperson is not present, shall immediately direct any person making such comments to the method designated under this Article for the submission of Complaints. (Ord. 9324)

1-2511

**DECISIONS AND PROCEDURES OF THE BOARD.**

All regular meetings and special meetings of the Board shall be open to the public. Four Board members shall constitute a quorum of the Board for the purpose of transacting official business, regardless of the number of vacancies on the Board. Recommendations of the Board shall be approved by a majority vote of the members present and voting. The Board shall adopt any lawful rules, regulations and by-laws it deems necessary for its operation. Such rules, regulations and by-laws shall be submitted to the City Commission and shall become effective upon approval by the City Commission. (Ord. 9324)

1-2512

**RETALIATION PROHIBITED.**

(Ord. 9324)

- (A) No person shall retaliate against another who:
1. Files a Complaint or an appeal under this Article;
  2. Cooperates in the investigation of a Complaint or appeal under this Article.
  3. Is the subject of a Complaint or appeal under this Article.
- (B) Retaliate, as used in this Section, shall mean engaging in any conduct that is adverse to another person because of such other person's filing of a Complaint under this Article, cooperation in the investigation of such Complaint, or because such other person is the subject of a Complaint under this Article. Retaliation is prohibited in any form, including but not

limited to making unwanted personal contact with such other person either directly or indirectly through a third person or via electronic format, when such contact is intended to harass or disturb such other person.

1-2513

**SEVERABILITY.**

If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction it shall not affect the validity of any remaining parts of this ordinance. (Ord. 9324)