

## 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. Meetings shall be open to the public and shall be conducted in the City Commission Room at City Hall, or, in the case of emergency, at another location as announced by the City Manager. Meetings shall commence at 5:45 p.m., unless the Governing Body schedules a closed or executive meeting in accordance with K.S.A. 75-4319, as amended, in which case the open, public meeting shall commence at 5:00 p.m., whereupon the Governing Body will recess into the closed or executive meeting and then reconvene the open, public meeting at 5:45 p.m., or as soon thereafter as may be practicable. 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 the 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 at such time and at such location as deemed appropriate, 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, Ord. 9678, Ord. 9840)

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, Ord. 9942)

(a) The City Manager shall have the authority to promulgate rules and regulations to provide consistent procedures and standards for the management of all City records.

(b) The City Manager shall have the authority to prescribe reasonable fees for providing

access to or furnishing copies of open public records.

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, Ord. 9684)

- (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 either two or three Commissioners to the Governing Body. Alternating every two years, the qualified electors of the City shall elect three Commissioners to the Governing Body, then, two Commissioners to the Governing Body, and continuing in that pattern in subsequent election cycles. In years when three seats on the Governing Body are open for election, the three candidates receiving the most votes at the general election shall be elected to the Governing Body. In years when two seats on the Governing Body are open for election, the two candidates receiving the most votes at the general election shall be elected to the Governing Body.
  - (1) Commencing at the general election in 2023, the qualified electors of the City shall elect three Commissioners to the Governing Body. At the general election in 2025, the qualified electors shall elect two Commissioners to the Governing Body. As noted above, alternating every two years, that pattern of electing three Commissioners and then electing two Commissioners will continue in subsequent election cycles.
- (B) All Commissioners elected to the Governing Body shall serve a term of office of four years, commencing upon taking the oath of office on or after the first Tuesday in December, immediately following the general election and the certification of the election, and expiring on or after the first Tuesday in December, immediately following the general election and the certification of the election four years thereafter.
- (C) 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 first Tuesday in December 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 first Tuesday in December, when he or she is elected Mayor, and expiring on the first Tuesday in December of the succeeding year. (Ord. 9233, Ord. 9685)
- 1-208        **SAME; VICE-MAYOR.**  
 At its regular meeting on the first Tuesday in December 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 first Tuesday in December, when he or she is selected Vice-Mayor, and expiring on the first Tuesday in December of the succeeding year. (Ord. 9233, Ord. 9685)
- 1-209        **SAME; SALARIES.**  
 All members of the Governing Body, including the Mayor, shall receive an annual salary of \$22,044.00 subject to taxes and withholdings. The Commissioners shall be paid on the same payroll schedule as City of Lawrence employees. (Ord. 9233, Ord. 9708)
- 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.**

(Ord. 9835; Code 1979, 1-202)

- (A) The Manager shall be chosen solely on the basis of administrative ability.
- (B) The City Manager is required to establish and maintain a permanent residence within the incorporated boundaries of the City of Lawrence, Kansas.
- (C) The City Manager, if not already a resident of the City of Lawrence at the inception of employment with the City, shall have a period of six (6) months after such employment begins within which to establish a residence or residency within the City; after the end of such six (6) months period, the exemption from the requirements of this Section shall terminate.

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 City Manager is granted the authority to allow, through a license agreement or other similar agreement, the temporary use of public property owned, leased, or under the control by the City. (Ord. 9847)

(E) 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)

1-306

**CITY MANAGER AUTHORIZED TO DECLARE TEMPORARY SAFETY REGULATIONS IN ANTICIPATION OF SPECIAL OR LARGE EVENTS.**

(Ord. 9926)

(a) Pursuant to the general police powers of the City of Lawrence, Kansas, in order to promote the health, safety, and welfare of its citizens, the City Manager, or designee, is hereby authorized to declare:

(i) The dates and times for the temporary prohibition of the carrying or possession of glass bottles and other glass containers in the streets and public rights of way, when such prohibition coincides with a special event or other event in which a large influx of people is anticipated and in which the public health, safety, and welfare is benefited from such prohibition.

(ii) The dates and times for the temporary prohibition of any owner, owner's agent, or tenant to allow any person to access or otherwise enter upon the roof of the owner's or owners' building, located on Massachusetts Street, Lawrence, Kansas, from the north edge of Sixth Street and the south edge of North Park Street -- unless such access is necessary during an emergency -- when such prohibition coincides with a special event or other event in which a large influx of people is anticipated and in which the public health, safety, and welfare is benefited from such prohibition.

(b) Except in the case of an emergency or other event in which advanced notice is impractical or infeasible, the City Manager shall declare, at least seven (7) days in advance of any special or large event, the dates and times when any temporary safety regulations, as authorized by this Section, shall go into effect and shall expire.

(c) Violation of any declaration of a temporary safety regulation, as authorized by this Section, shall be a misdemeanor punishable by a fine not to exceed One Hundred Dollars (\$100.00).

**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

**Reserved.**

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)

1-408

**FINANCE DIRECTOR; DUTIES; AUTHORITY.**

(A) The Department of Finance shall be headed by a Director ("Finance Director"), who shall be appointed by and shall serve at the pleasure of the City Manager. The Finance Director shall be answerable to the City Manager and shall take direction from the City Manager. (Ord. 9558)

(B) The Finance Director shall safely keep all public moneys entrusted to his or her care and shall oversee the assessment, receipt, collections, and disbursement of all public funds in accordance with applicable laws and regulations. The Finance Director shall assume responsibility for all Finance Department services and activities including but not limited to: investments of public funds, debt management, accounting operations, accounts receivable, accounts payable, budget, the bond financing program, purchasing, utility billing, special internal audits, as necessary, financial analysis and planning, overseeing the annual financial audit of the City performed by a qualified third party, and other duties as determined by the City Manager. Specifically, these responsibilities shall include but not be limited, as follows: (Ord. 9558)

(1) Investments. The Finance Director shall oversee the investment of idle City funds in accordance with the City's Investment Policy and procedures, and applicable laws and regulations, including Chapter 1, Article 5 of the Code of the City of Lawrence, as amended.

(2) Debt Management. The Finance Director shall be responsible for the debt management of the City. The Finance Director shall ensure that all laws, rules, and regulations are followed in the issuance and management of debt. The Finance Director shall follow best management practices and principles of governmental accounting regarding debt management.

- (3) Accounting, Record Keeping and Reporting. The Finance Director shall ensure that best management practices and principles of governmental accounting are followed. That includes, but is not limited to accounting practices, record keeping, and financial reporting of the City of Lawrence. The Finance Director shall oversee and direct the preparation of financial reports, fiscal statements, analyses, and audits, including but not limited to the City's annual financial audit.
- (4) Budget. The Finance Director shall oversee and coordinate the development of the annual City budget in accordance with state laws.
- (5) Receipt of City funds. The Finance Director shall oversee the assessment, receipt, and collection of all city funds, including receipt of tax collections, fines, fees, and utility and other service fee collections, and accounts receivables. The Finance Director shall regularly examine and audit said accounts to ensure all moneys due the City are received and accounted for. If amounts due the City are not timely received, the Finance Director shall, with assistance with the City Manager's Office, and the City Attorney, develop a plan for collection thereof.
- (6) Payment of Accounts and Obligations. The Finance Director shall ensure that City funds are appropriately and timely disbursed to third parties entitled to such disbursements including vendors, other municipalities and persons with City accounts payable.

**ARTICLE 4A. Reserved**

**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. RESERVED

1-901 **Reserved.**

#### ARTICLE 10. CITY SERVICES

1-1001 **FINDINGS OF THE GOVERNING BODY.**

The Governing Body of the City of Lawrence, Kansas hereby finds that the City is an inclusive community that values immigrants and the diversity they bring to the City's cultural fabric, economic growth, and global competitiveness. The City is committed to building a welcoming and neighborly atmosphere in our community, where all people, including immigrants, are accepted and able to access all City services regardless of their immigration status. It is the intent of the City to comply with local, state, and federal laws while strongly discouraging unlawful discrimination and fostering a welcoming and safe environment for all individuals. (Ord. 9736)

1-1002 **DEFINITIONS.**

(Ord. 9736)

As used in this Chapter:

- (A) *Alienage* means the state or condition of not being a citizen of the United States.
- (B) *Immigration and Customs Enforcement (ICE)* means the federal law enforcement agency primarily responsible for the enforcement of federal immigration laws.
- (C) *Immigration Status* means matters regarding questions of citizenship of the United States or any other country and the authority to reside in or otherwise be present in the United States.
- (D) *Resident* means any person whose primary place of habitation falls within the geographic boundaries of the City of Lawrence, Kansas.
- (E) *Retaliate* means engaging in any conduct that is adverse to another person because of such other person's filing of a complaint alleging a violation of this Article, cooperation in the investigation of such complaint, or because such other person is the subject of a complaint under this Article.



1-1003

**PROVISION OF CITY SERVICES.**

(Ord. 9920)

- (A) No employee shall discriminate on the basis of alienage or immigration status. City employees will serve all residents and City services will be accessible to all residents regardless of alienage or immigration status.
- (B) Unless otherwise required by law, employees and departments that require individuals to provide identification shall accept any valid photo identification that provides the person's name and photo. Such identification includes, but is not limited to, documents issued by the person's nation of origin such as a Consular identification, student identifications, drivers' licenses (including foreign), and passports. This policy shall not apply to the completion of the federally mandated I-9 forms, in the presentation of lawful authorization to operate a motor vehicle within the City, or if law enforcement is attempting to identify a suspect of a crime and requires a particular form of identification.
- (C) Any service, benefit, or opportunity provided by a City of Lawrence department shall be made available to all persons residing in the City, regardless of immigration status, unless otherwise required by law.
- (D) In addition to the interpretation services specifically required herein, employees and departments shall generally provide language services whenever possible so that foreign language and/or non-English speakers are able to access City services, regardless of a person's primary language.
- (E) The enforcement of federal immigration laws is a matter that falls under federal jurisdiction and as such is outside the scope of duties of City employees, including Lawrence police officers. The Lawrence Police Department shall not enter into a Memorandum of Understanding with the United States under Section 287(g) of the Immigration and Nationality Act in order to enforce federal immigration law without the prior approval of the City Commission. See 8 U.S.C. § 1357(g).
- (F) The City observes the Fourth Amendment to the United States Constitution that states: "The right of the people be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Except as required by law, nothing in this Article requires an employee or department of the City to request or document the immigration status of an individual.

1-1004

**DEPARTMENT PRACTICES.**

This section addresses department operations within the City. All City departments, including any not specifically listed herein, and all City employees, shall abide by all applicable sections, including the general provisions set out in Section 1-1003 herein ("Provision of City Services"). (Ord. 9920)

**(A) Lawrence Police Department**

- (1) Members of the Lawrence Police Department shall comply with the department's internal "Immigration Administrative Policy," "Outside Agency

Assist” Policy, and any other department policies applicable to immigration or immigrants.

- (2) The Lawrence Police Department’s internal “Immigration Administrative Policy” shall endeavor to further the findings of the Governing Body under this Article and shall include, at a minimum, the following:
  - a. A provision that states “Except as required by law, nothing in Chapter 1, Article 10 of the City Code requires an employee or department of the City to request or document the immigration status of an individual.”
  - b. Provisions which prohibit the Lawrence Police Department and its members from detaining, arresting, transporting, or holding any individual based solely upon a civil immigration detainer or administrative warrant;
  - c. Provisions which require the Lawrence Police Department to provide an alert to the public, as soon as possible without violating state or federal law, of any communication of reported or planned civil immigration activity by ICE or other federal agencies working on immigration matters within the Department’s jurisdiction, including a request for assistance, received by the Department from ICE or other federal agencies working on immigration matters which would result in contact with any individual or individuals within the City. Such alert shall be followed by a publicly available report of the outcome of such communication or resulting contact. Such report shall be available within 48 hours of the resolution of the request or activity or once the request or communication has been completed. The form and content of the report shall be specified within Department policy.
  - d. Provisions for the prohibition of retaliation and penalties applicable to the violation of the Immigration Administrative Policy.
- (3) The Lawrence Police Department shall not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual. This does not create a responsibility for any law enforcement officer or any other government entity or official to collect immigration information.
- (4) The Lawrence Police Department shall provide public notice of and make publicly available any revisions to its Immigration Administrative Policy, Outside Agency Assist Policy, and any other department policies applicable to immigration or immigrants prior to the effective date of such policy change. Nothing herein prohibits a temporary change or modification by general order of the Chief of Police, provided however, that notice of such temporary change or modification and any formal updates to the applicable policies are made without unreasonable delay.

**(B) Lawrence-Douglas County Fire Medical Department**

The department’s core mission is to provide emergency services to individuals in need. Immigration status shall never be a factor when providing emergency services.

**(C) Lawrence Municipal Court**

- (1) Except as required by law, nothing in this Article requires an employee or department of the City to request or document the immigration status of an individual.
- (2) The Court shall provide interpretation services for defendants who do not speak English, in compliance with the law. See K.S.A. 75-4351.
- (3) When interpretation services are provided, no inquiry shall be made regarding the person's immigration status.
- (4) The City prosecutor shall negotiate plea agreements in a just and appropriate manner. A person's immigration status shall never be a bar to diversion programs.
- (5) Public defenders under contract with the City shall be encouraged to advise defendants affirmatively and competently of the potential immigration consequences to criminal offenses, in compliance with applicable case law and any other applicable law addressing the duties of a criminal defense attorney in providing information regarding immigration. Public defenders under contract with the City should also advise such defendants to seek counsel from a trained immigration attorney. The City shall provide reference to a repository listing immigration attorneys that such defendants may contact, when appropriate.

(D) **Finance**

- (1) City utility services, to include water, sewer, solid waste, and storm water, shall never be denied to any City resident on the basis of a person's immigration status.
- (2) To set up a utilities account, a person must provide their:
  - (a) Name
  - (b) Social Security Number or federal tax identification. If neither are available, a passport is requested
  - (c) Second form of identification
  - (d) Date of birth
  - (e) Phone number
  - (f) Email address (optional)
- (3) In an attempt to prevent loss to the City and to keep rates reasonable for all customers, an additional deposit may be required of any person who cannot provide the information requested above.
- (4) Any person making payment to the City may be required to present a valid photo identification. A photo identification means any document containing the person's name and picture on it and which is issued by a government, whether municipal, state, federal, or foreign.

(E) **Parks and Recreation**

- (1) City facilities and services shall never be denied to any resident of the City on the basis of a person's immigration status.
- (2) A person may establish proof of residency by providing documentation that includes but is not limited to:
  - (a) Driver's License
  - (b) State Issued ID
  - (c) Current Homeowners Insurance Policy
  - (d) Property Tax Statement
  - (e) Vehicle Registration
  - (f) Mortgage or lease document

(F) **Transit**

Immigration status shall not be a factor in determining whether a person may utilize the City's transit services.

(G) **City Clerk's Office**

- (1) A person's immigration status shall not prohibit such person from applying for and being granted a license, permit, or registration through the City Clerk's office, except as required by law.
- (2) The City Clerk's office shall provide language translation services to any person upon request.

(H) **Human Resources**

- (1) The City's Human Resources Department shall strive to recruit and hire a diverse workforce on behalf of the City of Lawrence. To meet this goal, the Department shall utilize diversity-focused job boards and minority associations in its recruitment activities, whenever possible.
- (2) The department shall comply with federal and state laws regarding employment eligibility and employment records, such as the I-9 verification process. Except as required by law, nothing in this Article shall require the department of the City to request or document the immigration status of an individual.
- (3) The department shall conduct a periodic review of the City's internal policies, training on diversity, the City's "Statement of Individual Respect," and shall recommend and assist in the implementation of any appropriate amendments.

(I) **Communications & Creative Resources**

- (1) Communication on behalf of the City shall endeavor to be accessible to the widest possible audience through its website and social media.
- (2) A translation subscription service shall be implemented for the purpose of translating documents and allowing staff to speak with non-English speaking customers on the phone or in person.

- (3) Any written materials posted on the City's webpage and drafted by the City of Lawrence should have an option to translate the webpage into other languages. Such option to translate shall be clearly identified on the webpage.
- (4) When appropriate, written materials distributed to the public should be translated into other languages.

1-1005

**Retaliation Prohibited**

(Ord. 9736)

- (A) No person shall retaliate against another who:
  - 1. Files a complaint of an alleged violation of this Article;
  - 2. Cooperates in the investigation of a complaint alleging a violation of this Article; or
  - 3. Is the subject of a complaint alleging a violation of this Article.
- (B) 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.

1-1006

**Penalties.**

Nothing herein shall be construed to create or form the basis for liability on the part of the City, its officials, employees, or agents. Employees of the City are expected to follow City, department and division policies, procedures, and work rules, and exhibit dignity and respect to both customers and co-workers alike. The exclusive remedy for violation of this Article shall be through the City's disciplinary procedures for officers and employees, including but not limited to City personnel rules and any other department rules and/or regulations. (Ord. 9736)

**ARTICLE 11. RENEWABLE ENERGY GOALS**

1-1101

**FINDINGS OF THE GOVERNING BODY.**

- (A) The climate crisis is accelerating faster than most scientists expected and requires action by all communities to reduce greenhouse gas emissions in order to protect our planet and community for future generations. Greenhouse gas emissions attributed to energy, including electricity and natural gas, and transportation, account for about 83% of emissions in City limits. The City of Lawrence adopted several guiding documents and plans, including the Climate Protection Plan, Peak Oil Taskforce Report, and Plan 2040, which call for the reduction of greenhouse gas emissions associated with climate change. The City established greenhouse gas emissions reduction goals of 30% of the 2005 baseline by 2020, 50% reduction by 2030, 70% by 2040, and 80% reduction by 2050. (Ord. 9744)
- (B) In order to make progress toward the City's commitment to achieving targets related to reducing greenhouse gas emissions, the City should transition all energy sectors to carbon-free sources and make buildings more energy-efficient. Climate change will exacerbate the existing energy burden on low-income communities, environmental justice communities, and communities burdened by the fossil fuel industry. Energy efficiency and conservation are the least costly strategies to reduce emissions associated with energy production, followed by clean energy. (Ord. 9744)

- (C) Achieving these measures will improve the health of City residents, reduce energy costs, create jobs, and help to mitigate climate change by greatly reducing the City's carbon footprint. (Ord. 9744)

1-1102

**DEFINITIONS.**

(Ord. 9744)

- (A) "All energy sectors" means all energy sectors to include, but not limited to, electricity, heating and cooling, and transportation.
- (B) "Clean energy" means energy, including but not limited to, sources regarded as carbon-free and pollution-free energy collected sustainably from renewable sources such as wind, solar, tidal, and geothermal. Low-impact, small hydro, and some forms of biomass may be included after being evaluated for sustainability and environmental justice implications. Nuclear, natural gas, coal, oil based, or any other forms of carbon-based energy production are not included in this definition.

1-1103

**RENEWABLE ENERGY GOALS.**

- (A) The City of Lawrence will strive to achieve the use of 100% clean, renewable energy according to the following timeline: (Ord. 9744)
  - (1) By 2025 for electricity in municipal operations.
  - (2) By 2035 for all energy sectors in municipal operations.
  - (3) By 2030 for electricity city-wide.
  - (4) By 2035 for all energy sectors city wide.

1-1104

**PROCEDURE.**

(Ord. 9744)

- (A) The development of strategies and actions helps to achieve the goals outlined herein and will be integrated into the Climate Action and Adaptation Plan engagement process and ultimately each adopted plan.
- (B) The City Manager's Office will engage in an annual review of progress toward the goals as set out in this Article and advise of such progress to the Sustainability Advisory Board and City Commission.

**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. FOOD POLICY COUNCIL**

- 1-1301      **REESTABLISHMENT OF COUNCIL.**  
 The Food Policy Council (henceforth FPC) is hereby established as a joint advisory council to the City and the County. (Ord. 8948, Ord. 9637)
- 1-1302      **PURPOSE OF THE COUNCIL.**  
 The FPC seeks to support a successful, sustainable local food system in Lawrence and Douglas County. To this end, the purpose of the FPC is: (Ord. 9637)  
 (A)      To advise elected officials on food-system related policy issues; and  
 (B)      To provide a community forum for local food system development.
- 1-1303      **GOALS OF THE COUNCIL.**  
 The work of the FPC shall help advance community progress towards the following goals: (Ord. 9637)  
 (A)      Agricultural producers, food entrepreneurs, and food sector workers thrive in our regional economy.  
 (B)      As our cities grow, we prioritize natural resource conservation and maintain working lands to promote soil health.  
 (C)      We build and design our communities to ensure food access, foster health, and eliminate food deserts.  
 (D)      Our community fosters an equitable food system.  
 (E)      Our community eliminates waste in our local food system.

13-1304

**DUTIES OF THE COUNCIL.**

The Food Policy Council shall provide a community forum and advise the Lawrence City Commission, the Douglas County Board of County Commissioners, and City and County staff in the following ways. The FPC should: (Ord. 9637)

- (A) Convene and engage diverse perspectives. In particular, the FPC shall give attention to two essential considerations:
  - i. Ensure balance across the County's urban and rural communities, with attention to the important voice of multiple agricultural producers from various sectors, production systems, and marketing channels.
  - ii. Advance equitable representation towards a just and fair food system, where all residents can participate fully, regardless of socioeconomic status, geography, race, ethnicity, gender identity, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, or immigration status. Equally, applying universal interventions may not address the specific needs some populations facing systemic barriers and disadvantage.
- (B) Identify and address pressing issues, challenges and policy opportunities related to the local food system. The FPC shall seek to understand and identify the following consideration as a primary means of advancing its work: (1) Local conditions, (2) Models of best practice and their relevance to Lawrence and Douglas County, (3) Possible timeline for implementation, (4) Financial implications and future impacts, (5) Consideration of who in the community will be impacted by potential policy changes, including who will be the most impacted, (6) Possible unintended consequences.
- (C) Support implementation of the Douglas County Food System Plan (adopted on June 28, 2017 by the Douglas County Board of County Commissioners and on July 11, 2017 by the City of Lawrence Commission), in collaboration with city and county staff and community partners. This may include: (1) Prioritizing initiatives, (2) Clarifying responsibility for work on specific actions, (3) Assessing progress and identifying indicators to track progress, (4) Maintaining community engagement, (5) Ensuring accountability in meeting goals and objectives in the plan.
- (D) Maintain regular communication with the Douglas County Board of County Commissioners, the Lawrence City Commission, and County and City staff regarding FPC activities and recommendations.

1-1305

**MEMBERSHIP OF THE COUNCIL.**

There shall be sixteen (16) members on the FPC, nine (9) appointed by the County and seven (7) appointed by the City, and comprised as follows: (Ord. 9637)

- (A) County-appointed: Five (5) members to serve as liaisons with important food systems partners:
  - i. One representative of the Douglas County Farm Bureau;
  - ii. One representative of a Chamber of Commerce in Douglas County;
  - iii. One representative of a non-governmental organization working in the area of sustainable agriculture or local food systems;
  - iv. One representative of the K-State Research and Extension-Douglas County;
  - v. One representative of the Lawrence-Douglas County Health Department or other local public health organization;
- (B) County-appointed: Four (4) members bringing relevant local food systems professional or personal experience, as outlined in the Council's bylaws;



- (C) City-appointed: One (1) member also currently appointed to the City of Lawrence Sustainability Advisory Board;
- (D) City-appointed: Six (6) members bringing relevant local food systems professional or personal experience, as outlined in the Council's bylaws;

1-1306

**TERMS OF SERVICE.**

Term lengths and limits shall be governed as follows: (Ord. 9637)

- (A) Members shall be appointed by the Lawrence City Commission or the Douglas County Commission for a term of three (3) years.
- (B) Terms of service will begin at the start of the first meeting of the calendar year.
- (C) In the event of a member's inability to serve or resignation, the responsible body shall appoint another person to serve for the remainder of the unexpired term so created. Service of a partial term will not apply when calculating applicable term limits.
- (D) No person shall serve more than two (2) consecutive terms as a member.

1-1307

**MEETING ATTENDANCE.**

Council member attendance is expected at every meeting of the FPC. In the event of more than two (2) unexcused absences, or more than five (5) absences in a calendar year, a Council member may be asked to resign from the Council. Failure to notify of an absence at least 24 hours before an FPC meeting will constitute an unexcused absence. (Ord. 9637)

- (A) For those members appointed as liaisons in Section 5 (a) and 5 (c), a designee from the same organization may attend a Council meeting from time to time in the appointed member's place with full voting rights if previously approved by FPC to serve as said designee.

1-1308

**STAFF SUPPORT.**

Both the City and the County shall provide staff support to the FPC as available and necessary. (Ord. 9637)

1-1309

**BYLAWS.**

The FPC shall prepare bylaws to govern the Council's structure and decision making process and shall submit said bylaws to the City and County for joint approval. (Ord. 9637)

1-1310

**OPEN MEETINGS AND OPEN RECORDS.**

All meetings of the FPC shall be held in compliance with the Kansas Open Meetings Act, and its records shall be subject to the Kansas Open Records Act. (Ord. 9637)

1-1311

**WITHDRAWAL BY CITY OR COUNTY.**

Either the City or the County may withdraw its support of the FPC and terminate the FPC's role with respect to such body upon not less than thirty (30) days' notice to the other governmental body. (Ord. 9637)

**ARTICLE 14. SPECIAL ALCOHOL FUNDING ADVISORY BOARD**

1-1401

**SPECIAL ALCOHOL FUNDING ADVISORY BOARD ESTABLISHED; MEMBERSHIP**

There is hereby established the Special Alcohol 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. 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, Ord. 9726)

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, Ord. 9726)

- (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 Special Alcohol and Drug Abuse Funds, excluding the use of funds by City departments, using the criteria as outlined in Charter Ordinance No. 33.
- (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. LAWRENCE MULTI-MODAL TRANSPORTATION COMMISSION**

1-1601

### **PURPOSE.**

In order to advance the health, safety, and welfare of all residents of the City of Lawrence, the Governing Body encourages strong multi-modal transportation planning. Multi-modal transportation planning facilitates access to transportation for **all** residents of the community and has been shown to be an effective tool in reducing energy dependency and traffic congestion. To those ends, to assist it in multi-modal transportation planning, the Governing Body finds that it is in the best interest of all residents of the City of Lawrence to establish the Lawrence Multi- Modal Transportation Commission. (Ord. 9722)

1-1602

**LAWRENCE MULTI-MODAL TRANSPORTATION COMMISSION; ESTABLISHMENT; MEMBERSHIP; TERMS OF OFFICE; APPOINTMENT OF CHAIR.**  
(Ord. 9722)

- (A) There is hereby established the Lawrence Multi-Modal Transportation Commission (“Commission”). The Commission shall be composed of nine(9) members. The Mayor, with approval of the Governing Body, shall appoint nine (9) members to the Commission, all of whom shall be residents of the City, with interest, experience and/or background in multi-modal Transportation.
- (B) Members of the Commission shall serve three (3) year terms, except when appointed to complete an unexpired term. As established by the bylaws, the terms of Commission members shall be staggered so that no more than one-third of the Commission's terms shall expire each year. No member shall serve more than two consecutive full three-year terms. Terms of less than three years shall not count toward the term limits. All members of the Commission shall serve without compensation.
- (C) The Commission shall elect annually a member of the Commission to serve as Chair, who shall preside at meetings.
- (D) The Commission shall elect annually a member of the Commission to serve as Vice-chair, who shall preside at meetings in the absence of the Chair.

1-1603 **SAME; VACANCIES.**  
 Vacancies on the Commission shall be filled by the Mayor with the approval of the Governing Body. Such vacancies shall be filled as soon as practicable. (Ord. 9722)

1-1604 **SAME; BYLAWS AND MEETINGS.**  
 The Commission shall adopt bylaws governing the procedures to be used by the Commission. The bylaws shall establish specific duties and responsibilities of the Chair and Vice-chair, the time and place for meetings (at least once per month), rules of order, and other rules governing procedures and operations of the Commission, including procedures for amending the bylaws. (Ord. 9722)

1-1605 **QUORUM.**  
 A quorum shall consist of five (5) members of the Commission. No official business of the Commission may be conducted without a quorum present. (Ord. 9722)

1-1606 **SAME; CONFLICTS OF INTEREST**  
 All Commission members shall, by abstention, refrain from participating in the decision-making process, including discussing and voting, on any item for which he or she or his or her employer appears before the Commission and would receive direct financial benefit if the item was to be approved by the Governing Body. (Ord. 9722)

1-1607 **SAME; MINUTES.**  
 The Commission shall prepare and approve minutes of its meetings and shall forward the same to the Governing Body. (Ord. 9722)

1-1608 **SAME; OPEN MEETINGS AND OPEN RECORDS.**  
 All meetings of the Commission shall be held in compliance with the Kansas Open Meetings Act of 1972, codified as amended at K.S.A. 75-4317 *et seq.*, and its records shall be subject to the Kansas Open Records Act of 1984, codified as amended at K.S.A. 45-215 *et seq.*, and amendments thereto. (Ord. 9722)

1-1609 **SAME; RESPONSIBILITIES.**  
 The Commission shall operate as an advisory board to the Governing Body on all matters relating to multimodal transportation planning and related transportation decision-making. The Commission shall have the following responsibilities: (Ord. 9722)

- (A) To make recommendations to the Governing Body regarding implementation of its Complete Streets policy;
- (B) To make recommendations to the Governing Body regarding the priority, location, and design of transportation facilities;
- (C) To make recommendations to the Governing Body regarding the expenditure of capital funds for transportation-related projects and programs;
- (D) To make recommendations to the Governing Body regarding expenditures of funds for the repair and maintenance of transportation projects and programs;
- (E) To make recommendations to the Governing Body regarding ordinances, policies, and programs regarding transportation planning, transportation, and transportation safety; and
- (F) To perform other specific functions and duties and to make recommendations on other matters, as directed by the Governing Body from time to time.

**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 expenditure of HOME Investment Partnership funds; and (Ord. 9650)
- (E) 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, waste 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. eXplore LAWRENCE**

1-2001

**eXplore LAWRENCE GOVERNING BOARD; ESTABLISHMENT; MEMBERSHIP; TERMS OF OFFICE; TERM LIMITS; APPOINTMENT OF CHAIR, VICE-CHAIR, TREASURER, AND SECRETARY.**

(Ord. 9731)

- (A) There is hereby established the eXplore Lawrence Governing Board ("Board"). The Board shall be composed of seven voting members, who shall be appointed by the Mayor and approved by the Governing Body. The Board shall be composed of:
  - (1) two representatives of the hotel industry in the City;

- (2) one representative of the tourism industry in the City;
  - (3) one representative of the cultural industry in the City;
  - (4) one representative of a university or educational institution located in the City;
  - (5) one representative of the sports and recreation industry in the City; and
  - (6) one representative of the service/event management industry in the City.
- (B) In addition, the Board shall have four *ex officio*, non-voting members. The *ex officio* members shall include:
- (1) one member of the City's Governing Body, who shall be appointed by the Mayor and approved by the Governing Body;
  - (2) the City Manager, or his or her designee;
  - (3) the Director of Downtown Lawrence, Inc., or his or her designee; and
  - (4) the CEO of the Lawrence Chamber of Commerce, or his or her designee.
- (C) All voting members of the Board shall, unless otherwise approved by the Governing Body in accordance with City policy, be residents of the City or own a business within the City.
- (D) Voting 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 voting Board members shall be staggered so that no more than three voting members of the Board's terms shall expire in any one year. No voting member shall serve more than two consecutive full three-year terms. Terms of less than three years shall not count toward the term limits. All voting and *ex officio* members of the Board shall serve without compensation.
- (E) The Board shall elect annually a voting member of the Board to serve as Chair, who shall preside at meetings.
- (F) The Board shall elect annually a voting member of the Board to serve as Vice-Chair, who shall preside at meetings in the absence of the Chair.
- (G) The Board shall elect annually a voting member of the Board to serve as Treasurer, who shall work with the eXplore Lawrence Executive Director to prepare monthly financial statements and ensure the annual audit of the finances of eXplore Lawrence is completed in timely fashion.
- (H) The Executive Director shall serve as the Secretary to the Board. The Secretary shall be responsible for preparing agendas and meeting items, for providing those agendas and meeting items to all members of the Board in advance of meetings, for making agendas and meeting items available to the general public in advance of meetings by posting them on the web-site, and for preparing, for the Board's approval, minutes of all Board meetings.

- 1-2002      **VACANCIES.**  
(Ord. 9731)
- (A)      Vacancies among voting members of the Board shall be filled by the Mayor with the approval of the Governing Body.
- (B)      Vacancies among *ex officio* members of the Board shall be filled in accordance with Section 1-2001(b) of the City Code, as amended. Any vacancy in the *ex officio* position reserved for a member of the Governing Body shall be filled by appointment of the Mayor and approval of the Governing Body.
- (C)      All vacancies shall be filled as soon as practicable.
- 1-2003      **EXECUTIVE DIRECTOR.**  
The Executive Director of eXplore Lawrence will report to the Board, will serve as the Secretary of the Board, will serve as the liaison between the Board and the City's Governing Body, will work with the Treasurer to prepare monthly financial statements and to ensure that the annual audit of the finances of eXplore Lawrence are completed in timely fashion, and will be responsible for the day-to-day operations of eXplore Lawrence. (Ord. 9731)
- 1-2004      **BYLAWS, MEETINGS, AND QUORUM.**  
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, Vice-Chair, Treasurer, and Secretary, 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. A quorum shall be at least four voting members of the Board. (Ord. 9731)
- 1-2005      **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. All Board members are subject to the City's Ethics Policy. (Ord. 9731)
- 1-2006      **MINUTES.**  
The Secretary of the Board shall prepare minutes of its meetings, which shall be approved by the Board. The Secretary shall forward all approved minutes to the Governing Body. (Ord. 9731)
- 1-2007      **OPEN MEETINGS AND OPEN RECORDS.**  
All meetings of the Board shall be held in compliance with the Kansas Open Meetings Act of 1972, codified as amended at K.S.A. 75-4317 *et seq.*, and its records shall be subject to the Kansas Open Records Act of 1984, codified as amended at K.S.A. 45-215 *et seq.* (Ord. 9731)
- 1-2008      **BOARD DUTIES.**  
The Board shall have the following duties: (Ord. 9731)
- (A)      To provide operational, personnel, and financial oversight of the operations of eXplore Lawrence.

- (B) To advertise and promote the City as a tourist destination.
- (C) To encourage special events in the City, such as conventions and sports tournaments, as well as festivals and other community events, that result in additional business for the hospitality industry and the City at-large.
- (D) To appoint such project subcommittees as may be necessary to fulfill the obligations and duties of the Board.
- (E) To raise and receive monies and to administer the same.

**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, Ord. 9668)

- (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 expeditiously forwarded. 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:
  - 4. Files a Complaint or an appeal under this Article;
  - 5. Cooperates in the investigation of a Complaint or appeal under this Article.
  - 6. 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)