

## Joint Advisory Board Meeting – October 24, 2017

Building Code Board of Appeals, Contractor Licensing Board, Electrical Code Board of Appeals, Fire Code Board of Appeals, Mechanical Code Board of Appeals, Plumbing Code Board of Appeals

### MEETING AGENDA

Tuesday October 24, 2017 4:00 pm-5:00 pm

City Commission Chambers, City Hall – 6 E. 6<sup>th</sup> Street

A. Regular agenda items:

1. Call meeting to order

B. New Business:

1. Review of the Kansas Open Meetings Act (KOMA) – Randy Larkin, Senior Assistant City Attorney
2. Review process and meeting schedules for review of 2018 International Code Council construction codes (2018 I-Codes), including the International Building Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Residential Code and 2017 National Electrical Code – Building Safety Division staff
3. Review City Commission direction to consolidate the construction code advisory boards – Building Safety Division staff

C. Adjourn

### Attachments:

- KOMA documents
- Memorandum requesting authorization to proceed with review of 2018 I-Codes
- I-Codes review meeting schedules
- Advisory Board Policies and Procedures
- Memorandum regarding follow up from City Commission work session on advisory boards/committees

**CITY OF LAWRENCE, KANSAS, TRADE BOARDS**  
**Kansas Open Meetings Act (KOMA)**  
**October 24, 2017**

1. Kansas Open Meetings Act of 1972 (KOMA)
  - a. KOMA was enacted by the Kansas Legislature in 1972.
  - b. KOMA is codified as amended at K.S.A. 75-4317 *et seq.*
2. Purpose, Policy and Construction
  - a. KOMA has been described as the "cornerstone of public access to local and state government." Its fundamental purpose is to require local and state governments to conduct the business of the public in public.
  - b. The Kansas public policy underlying KOMA is that "a representative government is dependent on an informed electorate. . ." K.S.A. 75-4317(a). It is an express violation of Kansas public policy to adjourn or to move a meeting to another place or time in order to subvert the purposes of KOMA. K.S.A. 75-4137(b).
  - c. The courts construe KOMA liberally and its exceptions narrowly in order to effectuate state public policy.
3. KOMA applies only when two criteria are met:
  - a. The governmental body is a covered entity; and
  - b. When the governmental body conducts a "meeting" as that term is defined by KOMA.
4. Under KOMA, the Building Code Board of Appeals, the Electrical Code Board of Appeals, the Mechanical Code Board of Appeals, and the Plumbing Code Board of Appeals are covered entities:
  - a. KOMA applies to all legislative and administrative bodies, state agencies, and political and taxing subdivisions of the state. The City of Lawrence, Kansas, is a taxing subdivision of the state and is a covered entity.

- b. Additionally, a covered entity must receive or expend and be supported in whole or in part by public funds. The City receives and expends public funds and is also supported by public funds.
- c. Subordinate agencies of a political subdivision of the state meet the funding test if the subordinate agencies are appointed by the parent body to weigh options, to discuss options, and to present recommendations or plans of action. As such, the Building Code Board of Appeals, the Electrical Code Board of Appeals, the Mechanical Code Board of Appeals, and the Plumbing Code Board of Appeals clearly are for the purposes of KOMA, covered entities.

5. KOMA's definition of "Meeting"

- a. Under KOMA, K.S.A. 2010 Supp. 75-4317a, a subordinate agency of a political subdivision holds a "meeting" when there is:
  - i. Any gathering or assembly of board members in person or through the use of a telephone or any medium for interactive communications;
  - ii. By a majority of the membership of that body or agency;
  - iii. For the purpose of discussing the business or affairs of the body or agency.
- b. Any gathering or assembly in person or through the use of a telephone or any medium for interactive communications occurs when:
  - i. Members of a body or agency are in the physical presence of one another, whether it is at an official meeting, a work session, a staff briefing, a party, etc.
  - ii. Members participate in telephone calls, including conference calls.

- iii. Members participate in video conferencing or other interactive online communications, including chat rooms, instant messaging, etc. The mere fact that communication is electronic does not raise KOMA issues, however, in certain circumstances it does. For example, a single e-mail to another member would not implicate KOMA, but an e-mail to the entire board might. So, be wary of hitting "Reply All" if you are going to be discussing official business of the board or agency.
- c. A majority of the membership of the Building Code Board of Appeals, the Mechanical Board of Appeals, and the Plumbing Board of Appeals is three members. A majority of the Electrical Board of Appeals is four members:
  - i. Majority is defined as the next whole number greater than one-half the total number of members.
  - ii. Chapter 5, Article 1, Sections 1.222 - 1.252 establishes that the Building Code Board of Appeals, the Mechanical Board of Appeals, and the Plumbing Board of Appeals shall have 5 board members and that the Electrical Board of Appeals shall have 7 members.
  - iii. Consequently, to constitute a majority of the membership of the Building Code Board of Appeals, the Mechanical Board of Appeals, and the Plumbing Board of Appeals there must be 3 members; and to constitute a majority of the Electrical Board, there must be 4 members.
- d. For the purpose of discussing the business or affairs of the board or agency.
  - i. KOMA is not triggered by a vote, by binding action, or by official action. It is the mere discussion of the business or the affairs of the board or agency that triggers KOMA.

ii. Individual members of a board or agency, even a majority of the membership, may gather at any time, so long as they do not discuss the business of the board or agency:

(A) Social gatherings or events are not subject to KOMA, so long as a majority of that board does not engage in discussion of the business or affairs of that board or agency.

(B) Board members may also attend conferences where items of general interest are discussed, even those related to subject to which the board or agency pertains, so long as a majority of the board members do not discuss the business or affairs of the board or agency.

e. Serial Meetings.

i. KOMA also prohibits serial meetings. A serial meeting is a series of interactive communications involving less than a majority of the board members that:

(A) Collectively involve a majority of the membership of the body;

(B) Share a common topic of discussion concerning business or affairs of the board or agency; and

(C) Are intended by any or all of the participants to reach an agreement or a decision on an issue that would require binding action by the board or agency at an open meeting.

f. KOMA applies to any gathering or assembly of board members, not just scheduled meetings.

6. Properly Noticed Public Meeting:

a. Since its purpose is to ensure that public business is discussed in public, KOMA requires that meetings be properly noticed and not be informal gatherings outside the public view.

- b. To properly notice a meeting, the board or agency must provide notice of the date, time, and place of any regular or special meeting to any person requesting notice.
  - c. It is the duty of the presiding officer or other person in charge of the meeting to provide adequate notice.
  - d. If an agenda is prepared, it shall be made available to any person requesting it.
- 7. Meetings open to the public
  - a. KOMA requires that meetings must be held in places accessible to the general public.
  - b. KOMA also requires that all voting be done in public; secret ballots are not permitted.
  - c. A board or agency cannot prohibit the use of cameras or other recording devices, but may place reasonable rules and regulations on the use of such devices.
- 8. Agendas
  - a. KOMA does not require a board or agency to prepare agendas for its meetings.
  - b. However, if an agenda is prepared, then it should include the topics planned for discussion and the meeting should generally follow the agenda.
  - c. Agendas can be amended by a vote of the board members.
  - d. If an agenda is prepared, copies must be available to those who request them.
- 9. Enforcement of KOMA (K.S.A. 75-4320a)
  - a. Any person aggrieved by a covered entity's violation of KOMA is empowered to bring a private cause of action in District Court.

- b. The District Attorney and the Attorney General are also given rights to bring actions to enforce the provisions of KOMA
- c. Remedies include injunction, mandamus, civil penalties, the payment of costs or other appropriate orders, but do not permit a party to recover damages.
- d. If an action is brought to enforce KOMA under the provisions of K.S.A. 75-4320a it will take precedence over other actions pending in court. In any such action, the burden of proof is switched. In such cases, the burden rests on the governmental entity to prove by a preponderance of the evidence that it complied with the law.

10. Penalties under KOMA

- a. Any binding action taken by the governmental body is voidable.
- b. A civil penalty up to \$500.00 for each violation may be assessed against individual members of the body.
  - i. Only board members that "knowingly" violate the provisions of KOMA can be liable for a civil penalty. The law does not require specific intent to violate KOMA. A "knowing" violation occurs when there is purposeful commission of the act that KOMA prohibits.
- c. The court may also issue injunctions against the governmental body or writs of mandamus requiring the governmental body to take certain action.
- d. The costs of any action to enforce KOMA may also be assessed against the governmental body.

**CITY OF LAWRENCE, KANSAS, TRADE BOARDS  
CONFLICT OF INTEREST LAWS AND  
LOCAL CODES OF ETHICS  
October 24, 2017**

Conflict of Interest Laws (K.S.A. 75-4301a *et seq.*)

1. Purpose

- a. The purpose of the Kansas Conflict of Interest Laws is to ensure that public office is not used for private gain. Under the Act, no board member may act on any matter wherein he or she would have a substantial interest.

2. Statement of Substantial Interest (K.S.A. 75-4301a)

- a. As appointed officials, board members are considered to be "local government officers" as defined at K.S.A. 75-4301a and subject to the Act.
- b. The Act does not require a board member to file a Statement of Substantial Interest unless:
  - i. The board member is "acting upon any matter which will affect any business in which [he or she] has a substantial interest." K.S.A. 75-4305(a)
  - ii. The board member may not act in an official capacity upon any matter that will affect any business in which the board member holds a substantial interest until a statement of substantial interest is filed.
- c. A board member is not considered to have passed or acted on a matter if he or she abstains from taking any action in regard to the matter. K.S.A. 75-4305(b)

3. What is a Substantial Interest? Under K.S.A. 75-4301a, a Substantial Interest exists:

- a. If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less;



- b. If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses;
- c. If an individual or an individual's spouse, either individually or collectively has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses;
- d. If an individual or an individual's spouse holds the position of officer, director, associate, partner, or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501(c) (3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States Code, irrespective of the amount of compensation received by the individual or the individual's spouse;
- e. If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

4. Where Does One File a Statement of Substantial Interest?

- a. A board member with a Substantial Interest in a matter must file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the governmental subdivision. In the case of a board member, if he or she is required to file a Statement of Substantial Interest, then it should be filed with the election officer for Douglas County, Kansas.

5. Penalties (K.S.A. 75-4306)

- a. Failure to file a Statement of Substantial Interest is a Class B misdemeanor. Conviction of a Class B misdemeanor could result in incarceration not to exceed 6 months and/or a fine not to exceed \$1,000.00.

6. Advisory opinions (K.S.A. 75-4303a)

- a. Written requests for advisory opinions on the interpretation or application of the act can be made to the Government Ethics Commission.
- b. The Act provides that any person who requests and receives an advisory opinion and who acts in accordance with its provision is presumed to have complied with the Conflicts of Interest law.

7. Kansas Governmental Ethics Commission

- a. Address and telephone number:

109 West Ninth Street  
Topeka, Kansas 66612-1287  
Telephone: (785) 296-4219

8. City Ethics Policy

- a. Members of the Building Code of Appeals, the Electrical Board of Appeals, the Mechanical Board of Appeals, and the Plumbing Board of Appeals are appointed officials of the City and must comply with the City Ethics Policy adopted by the City in Resolution 5403.
- b. The City Ethics Policy requires board members to refrain from:
  - i. Voting, advocating, or participating in any matter from which he or she will receive direct financial benefit, defined as any material compensation or reward;
  - ii. Violating the constitutions or laws of the state or the United States;

- iii. Making any promise that would require the board member to act beyond the scope of his or her duties or would compromise the integrity of his or her office;
- iv. Engaging in any business with the City that would be inconsistent with his or her conscientious performance of his or her duties;
- v. Using confidential information obtained in the course of his or her duties for personal gain, or from revealing said confidential information to third parties;
- vi. Displaying anything other than the highest level of integrity in the performance of his or her duties;
- vii. Holding oneself out as acting in behalf of the City or his or her respective board when said person is not; and
- viii. Assisting and representing the private interests of another while performing his or her official duties.

9. City Attorney's Office

If a board member has a question about a conflict of interest or a potential conflict of interest, in addition to the State Ethics Board, the board member may seek assistance from the City Attorney's Office by calling me at (785) 832-3476 or by e-mail at [rlarkin@lawrenceks.org](mailto:rlarkin@lawrenceks.org).



City of Lawrence

**CITY COMMISSION AGENDA ITEM****Department:** Planning & Development Services**Commission Meeting Date:** 9/5/2017**Staff Contact:** Barry Walthall, Building Official**Recommendations/Options/Action Requested:**

Authorize staff to convene the existing building code advisory boards and begin review of the 2018 I-Codes in collaboration with other Douglas County or regional code authorities.

**Executive Summary:** Staff surveyed code officials in the Kansas City metropolitan area (KC metro area) and northeast Kansas to learn whether 2018 editions of the various International Code Council construction codes (I-Codes) are anticipated to be widely adopted or whether these jurisdictions intend to stand pat with currently adopted code editions. The results of the survey indicate that the 2018 codes may become the most widely and concurrently adopted edition of the I-Codes in northeast Kansas since formation of the International Code Council and initial edition of the I-Codes were published in 2000. Survey results are reported in the attached table.

Currently, adopted codes among surveyed jurisdictions range from the 2003 editions of the I-Codes to the 2015 editions. Including Lawrence in the KC metro area, the City is joined by only the Unified Government of Wyandotte County in adopting the most current codes available, the 2015 I-Codes. The City of Manhattan has also adopted the 2015 I-Codes and the City of Topeka is currently reviewing the 2015 I-Codes for adoption. Every jurisdiction surveyed except the City of Topeka indicates intent to proceed with review and adoption of the 2018 I-Codes.

A common but unsolicited response received from code officials was interest in and encouragement of promoting consistency in codes throughout the KC metro area. Wide adoption of the 2018 I-Codes is viewed as an opportunity to achieve a significant measure of consistency. Code authorities consulted in Douglas County, Baldwin City, and Eudora expressed similar interest in promoting consistency within Douglas County and have proposed that the City of Lawrence join in a collaborative effort to review and adopt the 2018 I-Codes in a concurrent fashion with other Douglas County jurisdictions. Staff supports working collaboratively with the other code authorities in Douglas County on review and adoption of the 2018 I-Codes.

Another discussion point related to consistency of adopted codes is the code review and adoption cycle. Many code officials are concerned about the three-year publication cycle of the I-Codes and have lobbied the International Code Council to extend the publication cycle to five or six years. ICC studied the concept of extending the cycle but has tabled the issue for the foreseeable future. Most of the KC metro code officials staff has consulted have expressed interest in adopting codes on alternating cycles but none have that specific direction from their governing bodies. Adopting new codes on alternating cycles likely provides some benefit to all stakeholders, such as reduction in resources required to review and adopt new codes every three years and ability

for designers, contractors and construction workers to become more proficient with codes before beginning a new learning curve. Potential consequences are that changes are more pronounced and review may be complicated by skipping code editions. Staff opinion is that the City should consider adopting codes on alternating cycles, but leave open the option to adopt every three years if deemed appropriate.

A final discussion item relates to the City Commission's direction to combine the building code advisory trade and fire boards into one board. As staff begins to work on the framework to implement that direction, it should be noted that the projected 9- to 12-month review of the 2018 I-Codes (which will be published and made available in September 2017) will need to be initiated sooner than a draft outline for the framework of a combined board can be completed, authorized and subsequently codified. To address this, staff proposes to review the 2018 I-Codes under the current trade board framework while simultaneously working to combine the boards into one Building Code Board.

Staff requests approval to begin review of the 2018 I-Codes under the framework of the current advisory boards, and to work in collaboration with other Douglas County or regional code authorities on review and adoption where opportunity to do so arises.

<b>Strategic Plan Critical Success Factor</b>	Effective Governance/Professional Administration Safe, Healthy, and Welcoming Neighborhoods Collaborative Solutions
<b>Fiscal Impact (Amount/Source):</b>	The fiscal impact to the City is planned for and included in the PDS department budget. Expenses for code review are primarily related to purchases of code books and other reference materials and any costs associated with advisory board meetings.
<b>Attachments:</b>	Results of <a href="#">survey</a> of regional peer communities
Reviewed By: (for CMO use only)	<input type="checkbox"/> TM <input checked="" type="checkbox"/> DS <input type="checkbox"/> CT <input type="checkbox"/> BM

Responses from Regional Code Authorities Projected Adoption of 2018 I-Codes				
	Jurisdiction	Currently Adopted Editions of I-Codes	Intent to Adopt 2018 I-Codes	Anticipated Timeframe for Adoption of 2018 I-Codes
Douglas County	Baldwin City	2003	Has Interest	TBD
	Douglas County	2012	Yes	Preparing for review by pre-ordering books, schedule TBD
	Eudora	2012	Has Interest	TBD
	Lawrence	2015	Pending Direction	Pending direction from governing body
KC Metro Area	Johnson County	2012	Yes	TBD
	Kansas City, MO	2012	Yes	Begin review in 2018
	Leawood	2012	Yes	Late 2018/early 2019
	Lenexa	2006	Yes	Late 2018/early 2019
	Olathe	2012	Yes	Late 2018/early 2019
	Overland Park	2012	Yes	Began review in summer of 2017 with goal to become effective by mid-2018
	Unified Government of Wyandotte County	2015	Yes	Begin review in 2019
Northeast Kansas	Manhattan	2015	Yes	Begin review in 2018, anticipate adoption in early 2109
	Topeka	Mixed <sup>1</sup> - various codes, editions between 1997 and 2012	No	Currently working on review and adoption of 2015 codes. No current plans regarding review/adoption of the 2018 codes

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<sup>1</sup> 2009 International Residential Code Chapters 1 through 10 and Appendix F, 2009 International Energy Conservation Code - new residential construction only per the International Residential Code, 2006 International Building Code, 1997 Uniform Code for Building Conservation, 2006 Uniform Mechanical Code, 2011 National Electrical Code, 2012 Uniform Plumbing Code, 2006 International Fire Code, 2006 Life Safety Code

### 2018 I-Codes Review Meeting Schedule

Building Code Board of Appeals (BCBA) – 1<sup>st</sup> Wednesday of each month at 11:00 a.m.

Plumbing Code Board of Appeals (PCBA) – 1<sup>st</sup> Wednesday of each month at 4:00 p.m.

11/1/2017	4/4/2018
12/6/2017	5/2/2018
1/3/2018	6/6/2018
2/7/2018	8/1/2018
3/7/2018	9/5/2018

Electrical Code Board of Appeals (ECBA) – 4<sup>th</sup> Thursday of each month at 11:00 a.m.

Mechanical Code Board of Appeals (MCBA) – 4<sup>th</sup> Thursday of each month at 4:00 p.m.

12/28/2017	5/24/2018
1/25/2018	6/28/2018
2/22/2018	7/26/2018
3/22/2018	8/23/2018
4/26/2018	9/27/2018

- Meetings will be held in the City Commission room at City Hall, 6 E 6<sup>th</sup> Street
- Meeting dates, times and locations may be subject to change.
- Additional meetings may be scheduled as needed.
- Meeting agendas and minutes will be available online at [https://lawrenceks.org/pds/development\\_services\\_agendas/](https://lawrenceks.org/pds/development_services_agendas/)

Projected timeline for review and adoption of the 2018 I-Codes:

- October 2017 through November 2017 – Coordinate initial meetings with advisory boards and develop advisory board review protocols and schedules.
- December 2017 through September 2018 – Complete code reviews with advisory boards and public input.
- July 2018 through October 2018 – Initiate development and preparation of draft adopting ordinances for City Attorney review.
- December 2018/January 2019 – Present adopting ordinances to the City Commission with recommendation to adopt the 2018 I-Codes for regulation of building activity within the City.
- July 1, 2019 – Projected effective date for 2018 I-Codes.

## RESOLUTION NO. 7224

### RESOLUTION ADOPTING STANDARD POLICIES AND PROCEDURES RELATING TO ADVISORY BOARDS AND COMMITTEES AND COMMISSIONS OF THE CITY OF LAWRENCE, KANSAS

**WHEREAS**, the City of Lawrence, Kansas (the "City"), desires to establish standard policies and procedures relating to advisory boards, committees and commissions of the City; and

**WHEREAS**, the City wishes to formalize the process for appointments and orientation of persons on advisory boards, committees, and commissions, and establish guidelines for the posting of board agendas, materials, and minutes.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AS FOLLOWS:**

1.0 **Purpose**

The purpose of this policy is to establish standard procedures for the appointments and orientation of persons on advisory boards, committees and commissions of the City and establish procedures for the posting of board agendas, materials, minutes, and e-mail distribution lists.

2.0 **Policy**

It is the policy of the City Commission of the City of Lawrence, Kansas that the following procedures be implemented with respect to the advisory boards, committees, and commissions of the City of Lawrence, except where an appropriate statute, ordinance, regulation or binding agreement would make other requirements, to wit:

**1. Appointments.**

The following process shall be utilized for the appointment of persons to advisory boards, committees and commissions:

a. All persons seeking initial appointment to an advisory board, committee or commission should apply utilizing the City website. Citizens without access to the website can contact the City Manager's Office for assistance.

b. Persons being appointed to an advisory board, committee, or commission should be a resident of the City, or own a business within the City. Exceptions to this may be made from time to time in which case the reason for the appointment of someone who is not a resident of the City, or own a business within the City, should be stated.

c. Staff liaisons should confirm with existing board members if they wish to be reappointed to an additional term in a timely manner to ensure the reappointment takes place before the term expiration. The staff liaison should notify the City Manager's Office whether the existing board member wishes to be reappointed. This information is then shared with the Mayor.

d. The City Manager's Office will maintain a list of citizens who have completed board interest forms and/or desire reappointment. The staff liaison and the Mayor will be provided this list when there is a vacancy. When a current vacancy or upcoming vacancy exists, it will be the responsibility of the Mayor to contact citizens to gauge whether they would be a suitable candidate for the board.



e. The Mayor shall strive to reflect the diversity of the community in appointments, including, but not limited to: income level, race, sex, religion, color, national origin, ethnicity, age, ancestry, familial status, gender identity and sexual orientation. From time to time, the City Manager's Office may gather voluntary information from advisory board/committee members to ensure progress toward this goal.

f. The Mayor shall make a recommendation of appointment to the City Commission. The recommendation shall be included in the meeting packet prepared prior to the meeting at which the nomination will be considered. Approval of said recommendations shall be by an affirmative vote of a majority of a quorum of the City Commission.

g. The City Manager's Office shall notify the staff liaison that an appointment has been made.

h. The City Manager's Office shall notify the citizen that they have been appointed to a board and provide acknowledgments of service for board members who have resigned and/or will not be reappointed.

i. The provisions of this section shall not be construed to limit or restrict the fact that all advisory board members of the City serve at the pleasure of the Governing Body and may be removed at any time, with or without cause.

## **2. Term of Appointment.**

a. The term of the appointment shall be specified at the time of appointment. The appointee shall only serve the term to which they are appointed.

b. In the case of an unexpired term or when a person is appointed to a term that is less than a full term, the person appointed to serve shall be appointed to serve for the remainder of the unexpired term. Service of a partial term will not apply when calculating applicable term limits.

c. As a general policy, terms for city appointees will be limited to two (2) consecutive three (3) year terms. Exceptions to this will be made for reasons stated at the time of appointment.

## **3. Orientation.**

All persons, upon initial appointment to an advisory board, committee, or commission of the City, shall receive the following orientation process.

a. The staff liaison responsible for each respective advisory board should coordinate an orientation for all new board members within 30 days of their appointment to the board. The staff liaison should either personally meet with the appointee, or visit by phone, and explain the roles and responsibilities of the board and its members.

b. The appointee should receive appropriate orientation materials associated with the board.

## **4. Attendance.**

The staff liaison should monitor absences of board members. In the event of excessive absences of a member of an advisory board, the advisory board can, by majority vote, forward a recommendation to the Mayor to replace the member.

**5. Resignation.**

a. When an advisory board member resigns from a board, the staff liaison shall notify the City Manager's Office in order to list the position as vacant. Vacant positions are posted on the City Commission agenda.

**6. Bylaws.**

All advisory boards shall comply with the following requirements with regard to the bylaws of the advisory board:

a. All boards should have either existing bylaws, ordinances, and/or resolutions that have established the board listed on the board page of the City of Lawrence website. The staff liaison is responsible for ensuring the accuracy of this information and its update when needed.

b. Whenever an advisory board proposes to modify, amend, revise or otherwise change the by-laws of the board, such modification, amendment, revision or change shall be submitted to the City Commission for its approval. Approval of said recommendations shall be by an affirmative vote of a majority of a quorum of the City Commission. No such modification, amendment, revision or change shall be effective until it is approved by the City Commission.

**7. Agendas, Minutes, and Email lists.**

a. Staff liaisons should post the board agendas to the advisory board page of the City of Lawrence website at least several days prior to the meeting in order to enable the public to participate in the meeting. Notification of posting shall also be made to the e-mail server list at the same time.

b. It is the responsibility of the Staff liaison to ensure that all meeting dates/times are listed on the City's event calendar.

c. All advisory boards should have an established e-mail server list with the City of Lawrence website and agendas, materials, communications, notifications should all be sent through the City email list. Notification should be provided to all who have requested such notification.

d. Previous meeting minutes should be approved at the next available advisory board meeting. After the board has approved the minutes, the staff liaison should send the minutes to the City Manager's Office for receipt on a future City Commission meeting. The approved minutes should also be listed on the advisory board page of the City of Lawrence website within one week of approval.

**8. City Employees Serving on Boards:**

In recognition of the potential conflict that can be created, regular full or part-time City employees may not serve as voting members on advisory boards, committees and commissions of the City. City employees may only serve as voting members if required by the City Code, or other state statutes. City employees that are currently serving on boards and committees may complete the term to which they were appointed but will not be eligible for reappointment. Exceptions to this will be made when a City employee serves as an elected official of another jurisdiction and represents that jurisdiction on joint boards or committees serving multiple jurisdictions.

**9. City Commissioners Serving on Advisory Boards and Governing Boards:**

In recognition of the potential conflict that can be created, City Commissioners will not serve as voting members on advisory boards, committees and commissions of the City. City Commissioners may be appointed to serve as the City Commission's representative on governing boards.

**10. Public Comment at Board Meetings:**

Public comment on posted agenda items should be accepted at board meetings unless otherwise specified in the legislation that creates the board. Advisory boards, committees and commissions may establish guidelines for comments, such as time limits, in order to ensure the efficient conduct of board business.

**11. Effective Date:**

This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

**ADOPTED** by the Governing Body on September 19, 2017.

**SIGNED** by the Mayor on September 19, 2017.


**APPROVED:**

(SEAL)



  
\_\_\_\_\_  
Leslie Soden, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Sherri Riedemann, City Clerk

# Memorandum

## City of Lawrence

### City Manager's Office

TO: Thomas M. Markus, City Manager  
FROM: Diane Stoddard, Assistant City Manager  
DATE: August 15, 2017  
CC: Casey Toomay, Assistant City Manager  
RE: Follow up from Work Session on Advisory Boards/Committees

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On August 8, 2017, the City Commission held a Work Session to discuss advisory boards and committees, the subject of which is an initiative in the city's strategic plan. This memo attempts to summarize that meeting and the general direction provided by the City Commission at the meeting. I recommend that this memo be shared with the City Commission to ensure that this captures the direction provided and there is appropriate follow up on these issues for formal action.

Below is a list of key future tasks:

- Return the draft policy for formal consideration as submitted with the addition of term limits for advisory boards and addressing Commissioners serving on advisory boards.
- Explore consideration of appointing alternates to boards. Provide a staff report on this issue.
- Proceed with work toward merging the various code appeals boards. *Note: With the review prior to consideration of updating to the 2018 codes, staff would now recommend not proceeding with this merger until after the 2018 code review has been completed by these various boards. That would result in the most number of individuals possible having review of the codes prior to City Commission consideration.*
- Examine whether the Sister Cities Advisory Board could discontinue its status as an advisory board of the City, while retaining the important link to the City and not sending the wrong message to our international partners. A resolution was suggested as a possible alternative.
- Amend the code related to the Sales Tax Audit Committee, retaining the committee in the event that the renewal of the sales taxes is passed in November 2017.
- Return consideration of merging the Lawrence Alliance with the Human Relations Commission.
- Return consideration of merging the Joint Economic Development Council into the Public Incentives Review Committee.
- Return consideration of merging the Community Development Advisory Committee into the Social Services Funding Advisory Board.
- Return consideration of repealing the obsolete boards: Lawrence Advisory Board on University Student Issues, the Downtown Parking Advisory Board, and the ECO2 Commission.

Staff plans follow up on these issues as time permits. There is significant background work, such as the preparation of ordinances, related to most of these items. The policy should be able to return to the City Commission for formal consideration fairly swiftly, however. It should be noted staff does not plan on pursuing the other recommendations in the August 8 presentation, except those outlined above.