

CHAPTER I: ADMINISTRATION

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ARTICLE 1: GENERAL PROVISIONS

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' 1-101 CODE DESIGNATED.

The chapters, articles and sections herein shall constitute and be designated as AThe Code of the City of Burlington, Kansas@, and may be so cited. The code may also be cited as the ABurlington City Code@.

' 1-102 GENERAL RULES OF CONSTRUCTION; DEFINITIONS.

(a) *General rules of construction.* The provisions of this code shall be liberally construed to effect the purposes expressed therein or implied from the expressions thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the accomplishment of the elimination of the particular mischiefs for which the provisions were enacted. Words shall be construed according to the context and the approved usage of the language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.

(1997 Code, ' 1-103)

(b) *Definitions.* In the construction of this code and of all ordinances of the city, the following definitions and rules shall be observed, unless such construction would be inconsistent with the manifest intent of the governing body or the context clearly requires otherwise.

CITY. The City of Burlington, Kansas.

CODE. The Code of Ordinances of the City of Burlington, Kansas.

COMPUTATION OF TIME. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be a Saturday, Sunday or legal holiday, that day shall be excluded.

COUNTY. The County of Coffey in the State of Kansas.

DELEGATION OF AUTHORITY. Whenever a provision appears requiring or authorizing the head of a department or 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.

GENDER. Words importing the masculine gender include the feminine and neuter.

GOVERNING BODY. The Mayor and City Council of the city, or those persons appointed to fill a vacancy in the office of Mayor or the person designated by the City Council as provided in this code.

IN THE CITY. Includes all territory over which the city now has, or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

JOINT AUTHORITY. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

MONTH. A calendar month.

NUMBER. Words used in the singular include the plural, and words used in the plural include the singular.

OATH. Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an **OATH**, and in such cases the word **Aswear@** is equivalent to the word **Aaffirm@**.

OFFICERS, DEPARTMENTS AND THE LIKE. Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the city, unless the context clearly indicates otherwise.

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.

PERSON. Includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

PROPERTY. Includes real, personal and mixed property.

REAL PROPERTY. Includes lands, tenements and hereditaments, and all rights thereto and interest therein, equitable as well as legal.

SHALL, MAY. *SHALL* is mandatory and *MAY* is permissive.

SIDEWALK. Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

SIGNATURE, SUBSCRIPTION. Includes a mark when the person cannot write, when his or her name is written near such mark, and is witnessed by a person who writes his or her own name as a witness.

STATE. The State of Kansas.

STREET. Includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.

TENANT or OCCUPANT. Applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, whether alone or with others.

TENSES. Words used in the past or present tense include the future as well as the past and present.

WRITING or WRITTEN. May include printing, engraving, lithography and any other mode of representing words and letters, except those cases where the written signature or the mark of any person is required by law.

YEAR. A calendar year, except where otherwise provided.

' 1-103 EXISTING ORDINANCES.

The provisions appearing in this code, so far as they are in substance the same as those of ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.

1-104 EFFECT OF REPEAL.

The repeal of an ordinance shall not revive an ordinance previously repealed, nor shall such repeal affect any right that has accrued, any duty imposed, any penalty incurred, or any proceeding commenced under or by virtue of the ordinance repealed, except as shall be expressly stated therein.

1-105 CATCHLINES OF SECTIONS.

The catchlines of the sections of this code printed in capital letters are intended as mere catchwords to indicate the contents of the section 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 catchline, is amended or reenacted.

1-106 PARENTHETICAL AND REFERENCE MATTER.

The matter in parenthesis at the ends of sections is only for information purposes and is not a part of the code. Citations indicate 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. Reference matter not in parenthesis is only for information purposes and is not a part of this code.

1-107 AMENDMENTS; REPEAL.

Any portion of this code may be amended by specific reference to the section number as follows: ASection _____ of the Code of Ordinances of the City of Burlington 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: AThe Code of Ordinances of the City of Burlington is hereby amended by adding a section (or article or chapter) which reads as follows: . . . (the new provisions shall be set out in full). . .@ All sections, or articles, or chapters to be repealed shall be repealed by specific reference as follows: ASection (or article or chapter) _____ of the Code of Ordinances of the City of Burlington is hereby repealed@.

1-108 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. All ordinances shall be valid when a majority of all the members-elect of the City Council shall vote in favor. Where the number of favorable votes is one less than required, the Mayor shall have power to cast the deciding vote in favor of the ordinance. (K.S.A. 12-3002)

1-109 SAME; SUBJECT AND TITLE; AMENDMENT.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the amending ordinance contains the

entire section or sections as amended and the section or sections amended shall be repealed.

' 1-110 SAME; PUBLICATION.

(a) No ordinance, except those appropriating money, shall be in force until published in the official city newspaper by the City Clerk. One publication of any such ordinance shall be sufficient unless additional publications are required by statute or ordinance. The publisher of the newspaper shall prefix such published ordinance by a line in brackets stating the month, day and year of such publication.

(b) In lieu of division (a) above, the city may opt to publish a summary of an ordinance so long as:

(1) The publication is identified as a summary and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the office of the City Clerk;

(2) The City Attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient; and

(3) The publication contains the city's official website address where a reproduction of the original ordinance is available for a minimum of one week following the summary publication in the newspaper.

(c) If an ordinance is subject to petition pursuant to state law, then the summary shall contain a statement that the ordinance is subject to petition.

(K.S.A. 12-3007)

' 1-111 SAME; ORDINANCE BOOK.

Following final passage and approval of each ordinance, the City Clerk shall enter the same in the ordinance book of the city as provided by law. Each ordinance shall have appended thereto the manner in which the ordinance was passed, the date of passage, the page of the journal containing the record of the final vote on its passage, the name of the newspaper in which published and the date of publication.

(K.S.A. 12-3008)

' 1-112 RESOLUTIONS, MOTIONS.

Except where a state statute or city ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority present at a meeting of the City Council.

' 1-113 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 and as provided in the State Open Records Act and the city policy regarding open public records.

(K.S.A. 12-120 to 12-121)

' 1-114 ALTERING CODE.

It shall be unlawful for any person, firm or corporation 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 to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this code authorized by ordinance duly adopted by the governing body.

' 1-115 SCOPE OF APPLICATION.

Any person convicted of doing any of the acts or things prohibited, 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 in violation of this code and punished in accordance with ' 1-116. Each day any violation of this code continues shall constitute a separate offense.

' 1-116 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:

- (a) A fine of not more than \$1,000;
- (b) Imprisonment in jail for not more than 179 days; or
- (c) Both such fine and imprisonment not to exceed divisions (a) and (b) above.

' 1-117 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.

ARTICLE 2: GOVERNING BODY

Section

- 1-201 Governing body
- 1-202 Same; powers generally
- 1-203 Same; meetings
- 1-204 Same; quorum
- 1-205 Powers of the Mayor
- 1-206 President of the Council
- 1-207 Administrative powers
- 1-208 Vacancies in governing body; how filled
- 1-209 Compensation
- 1-210 Expenses
- 1-211 Code of Ethics
- 1-212 Rules and order of business

' 1-201 GOVERNING BODY.

The governing body shall consist of a Mayor and City Council to be elected as set out in Ch. VI of this code.

' 1-202 SAME; POWERS GENERALLY.

All powers exercised by cities of the second class, or which shall hereafter be conferred upon them, shall be exercised by the governing body, subject to such limitations as prescribed by law. All executive and administrative authority granted or limited by law shall be vested in the Mayor and Council as governing body of the city.

(K.S.A. 12-103)

' 1-203 SAME; MEETINGS.

(a) Regular meetings of the governing body shall be held on the first and third Wednesdays of each month at 6:00 p.m. at the Council chamber in the City Hall. In the event the regular meeting day shall fall on any legal holiday or any day observed as a holiday by the city offices, the governing body shall fix the succeeding day not observed as a holiday as a meeting day.

(b) Special meetings may be called by the Mayor or Acting Mayor, on the written request of any three members of the Council, specifying the object and purpose of such meeting, which request shall be read at a meeting and entered at length on the journal.

(c) Regular or special meetings of the governing body may be adjourned for the completion of its business at such subsequent time and place as the governing body shall determine in its motion to adjourn.

(K.S.A. 14-111) (Ord. 806, adopted 1-4-2012)

' 1-204 SAME; QUORUM.

In all cases, it shall require a majority of the Council-elect to constitute a quorum to do business.
(K.S.A. 14-111)

' 1-205 POWERS OF THE MAYOR.

(a) The Mayor shall preside at all meetings of the governing body. The Mayor shall have the tie-breaking vote on all questions when the members present are equally divided.

(b) The Mayor shall:

(1) Have the superintending control of all officers and affairs of the city;

(2) Take care that the ordinances of the city are complied with;

(3) Sign the commissions and appointments of all officers elected or appointed;

(4) Endorse the approval of the governing body on all official bonds;

(5) From time to time communicate to the City Council such information and recommend such measures as he or she may deem advisable;

(6) Have the power to approve or veto any ordinance as the laws of the state shall prescribe;
and

(7) Sign all orders and drafts drawn upon the city treasury for money.

' 1-206 PRESIDENT OF THE COUNCIL.

The City Council shall elect one of its own body as President of the Council. The President of the Council shall preside at all meetings of the Council in the absence of the Mayor. In the absence of both the Mayor and the President of the Council, the Council shall elect one of its members as Acting President of the Council. The President and Acting President, when occupying the place of Mayor, shall have the same privileges as other Council members but shall exercise no veto.

(K.S.A. 14-204)

' **1-207 ADMINISTRATIVE POWERS.**

The governing body may designate whether the administration of a policy or the carrying out of any order shall be performed by a committee, an appointive officer or the Mayor. If no administrative authority is designated, it shall be vested in the Mayor.

' **1-208 VACANCIES IN GOVERNING BODY; HOW FILLED.**

(a) *Generally.* The City of Burlington, Kansas, a municipal corporation of the second class, by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 14-103, K.S.A. 14-201, K.S.A. 14-204 and K.S.A. 25-205 that apply to this city, but are parts of enactments which do not apply uniformly to all cities.

(b) *The governing body of City of Burlington:*

(1) Shall consist of a Mayor and six Council members, to be elected to terms as set forth. The Mayor and Council members shall be residents and qualified electors of the City of Burlington, Kansas.

(2) Has by ordinance, divided the city into three wards, establish the boundaries thereof, and numbered the same.

(A) No ordinance redefining wards and precincts shall become effective less than 30 days prior to the next regular city election.

(B) Each of Burlington's three wards shall be represented by a Council member position #1 and a Council member position #2, required to reside in the ward elected to represent (exceptions: refer to division (c)(4)); and with position #1 and position #2 expiring in different years.

(c) *Terms, elections and appointment to fill vacant Council member positions.*

(1) Council members shall have four-year terms. The Mayor shall have a four-year term.

(2) Terms of Council member ward position #2, expiring in April 2017, shall be extended to expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Thereafter, terms will expire four years later on the second Monday in January.

(3) Terms of the Mayor and the Council member ward position #1 with terms expiring in April 2019, shall be extended to expire on the second Monday in January of 2020, when the city officials elected in November 2019 general election take office. Thereafter, terms will expire four years later on the second Monday in January.

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(4) Vacancies between elections: Appointment approved by majority vote of the Council:

(A) Positions that become vacant during the course of the four-year term shall be filled by an eligible resident of the ward in which the vacancy exists, following a majority vote of approval of the appointment by the governing body unless;

(B) After 30 days of the position becoming vacant, no eligible person in that ward has expressed interest, then the governing body may appoint a person from one of the other wards, with the understanding the interim Council member shall not be eligible to be a candidate in the next election for that seat unless having obtained residency in that ward.

(d) *General election.*

(1) All elections for the city shall be nonpartisan.

(2) A general election of city officers takes place on the Tuesday succeeding the first Monday in November.

(3) Succeeding elections will be held every two years, in odd numbered years, for all such governing body positions that will expire the second Monday in January of the following year.

(4) One Council member from each ward shall be elected at one election and the other Council member from that ward shall be elected in the succeeding election.

(e) *Mayor=s appointments.* The Mayor shall appoint, by and with the consent of the Council: Municipal Judge of the Municipal Court, Chief of Police, City Clerk, City Attorney and any other officials deemed necessary.

(1) Any officer appointed and confirmed shall serve in that position for the remainder of its term and until his or her successors are appointed and qualified.

(2) The Council shall by ordinance specify the duties and compensation of the office holders, and by ordinance may abolish any office created by the Council whenever deemed expedient.

(f) *Candidacy for office in accordance with K.S.A. 25-205.* Any person may become a candidate for city office elected at large by having had filed on their behalf a nomination petition or a declaration of candidacy, accompanied by any fee required by law. The nomination petition must be signed by 3% of the qualified electors of the city.

(1997 Code, ' 6-201) (Ord. 473, adopted 12-8-1989; Charter Ord. 9, adopted 7-20-2016)

' 1-209 COMPENSATION.

Members of the governing body shall receive as compensation such amounts as may be fixed by majority vote of the governing body.

' 1-210 EXPENSES.

Each member of the governing body shall receive for his or her services and as reimbursement for his or her expenses, compensation as follows:

(a) Mileage at the same rate as is established by law by the state for state employees for each mile traveled by the shortest route upon the performance of duties assigned by the Mayor and/or Council; and/or

(b) Reimbursement for actual food and lodging expenses upon the performance of duties assigned by the Mayor and/or Council, provided such expenses shall be documented by proper receipts.

' 1-211 CODE OF ETHICS.

(a) *Declaration of policy.* The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels; and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the city.

(b) *Responsibilities of public office.* Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state and to carry out impartially the laws of the nation, state and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long-term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(c) *Dedicated service.*

(1) (A) All officials and employees of the city should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives.

(B) Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority.

(2) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(d) *Fair and equal treatment.*

(1) *Interest in appointments.* Canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the City Council.

(2) *Use of public property.* No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as city policy for the use of such official or employee in the conduct of official business.

(3) *Obligations to citizens.* No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(e) *Conflict of interest.*

(1) *Financial or personal interests.*

(A) No elected or appointive city official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

(B) Personal, as distinguished from financial interests, includes an interest arising from blood or marriage relationships or close business or political association.

(2) *Specific conflicts of interests.* Specific conflicts of interest are enumerated below for the guidance of officials and employees.

(A) *Incompatible employment.* No elected or appointive city official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

(B) *Disclosure of confidential information.* No elected or appointive city official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.

(3) *Gifts and favors.*

(A) No elected or appointive city official or employee shall accept any valuable gift,

whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or grant in the discharge of his or her duties any improper favor, service or thing of value.

(B) The prohibition against gifts or favors shall not apply to an occasional non-pecuniary gift, of only nominal value, an award publicly presented in recognition of public service, or any gift which would have been offered or given to him or her if not an official or employee.

(4) *Representing private interest before city agencies or courts.*

(A) No elected or appointive city official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interest before any agency of this city.

(B) He or she shall not represent private interests in any action or proceeding against the interest of the city in any litigation to which the city is a party.

1-212 RULES AND ORDER OF BUSINESS.

The following shall constitute guidelines for the rules and order of business of the city.

(a) *Rule 1: adjourned meetings.* Adjourned meetings of the governing body may be held at such time and place as the governing body may determine in the motion to adjourn.

(b) *Rule 2: special meetings.*

(1) Special meetings may be held at any time upon a call signed by a majority of the governing body.

(2) The call of a special meeting shall be in substantially the following form:

<p>Call for Special Governing Body Meeting</p> <p style="margin-left: 100px;">Burlington, Kansas</p> <p style="margin-left: 100px;">_____, 20__</p> <p>To the members of the governing body:</p> <p>A special meeting of the governing body is hereby called to be held at the City Hall, _____, 20__</p> <p>at _____ o'clock ____ m., the object of said meeting being to _____ (state object)</p>
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Signed:

A notice of such special meeting, stating the time, place, and object of the meeting, directed to the _____ shall be issued by the City Clerk to the Chief of Police, his or her deputy, or a law enforcement officer or other city employee, who shall be required to make service of said notice at once personally upon each _____ or to leave it at his or her usual place of residence, and such notice must be served or left at the usual place of residence at least two hours before the time of meeting. The person serving the notice shall make a return in writing of the service, showing the manner of such service. Attendance at a special meeting by any member of the governing body shall constitute a waiver of the right to notice under this rule for that member.

(3) The notice and the return shall be in substantially the following form:

Notice of Special Governing Body Meeting

Office of the City Clerk
Burlington, Kansas

To _____

You are hereby notified that there will be a special meeting of the governing body at _____ o'clock ____ m., _____, 20____, at the City Hall for the object of (state the same object as shown in the call).

Witness my hand and the seal of said city this _____ day of _____, 20____.

State of Kansas

City Clerk

County of Coffey ss.

City of Burlington

To (Chief of Police, his or her deputy, or a law enforcement officer or other city employee).

Greeting:

You are hereby directed to serve the above notice at once personally upon _____ or to leave it at his or her usual place of residence before _____ o'clock ____ m., _____ 20____, and to make a return in writing of said service, showing the manner of such service.

(SEAL)

City Clerk

<p>Return</p> <p>Received the original notice of special governing body meeting, of which the foregoing is a copy, at _____ o'clock ____ m., on the ____ day of _____, 20____, and (served the same personally on _____ or left said original notice at the usual place of residence of _____) at _____ o'clock ____ m., on the ____ day of _____, 20____.</p> <p style="text-align: right;">Dated this ____ day of _____, 20____</p> <p style="text-align: right;">Signed: _____ Person serving notice</p>

(c) *Rule 3: order of business.* At the hour appointed for meeting, the governing body shall be called together by the Mayor, and in his or her absence by the Acting Mayor. The City Clerk shall call the roll and note the absentees and announce whether a quorum be present. Upon the appearance of a quorum the governing body shall proceed to business, which shall be conducted in the following order:

- (1) Reading of the minutes of the last regular meeting and intervening special meetings, which if no corrections are offered, shall stand approved;
- (2) Presentation of petitions, memorials and remonstrances;
- (3) Presentations of claims and appropriation ordinance;
- (4) Unfinished business;
- (5) New business; and
- (6) Reports of other city officers.

(d) *Rule 4: order.* The Mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council.

(e) *Rule 5; decorum.* Every member previous to his or her speaking shall address himself or herself to the chair and shall not proceed until recognized by the chair. He or she shall indulge in no personalities and confine his or her remarks to the matter under debate.

(f) *Rule 6: point of order.* A member called to order shall immediately suspend until the point of order raised is decided by the chair.

(g) *Rule 7: certain motions in writing.* Every motion except to adjourn, postpone, reconsider, commit, lay on the table or for the previous question, shall be reduced to writing if the chair or any member requires it; when made and seconded, it shall be stated by the Chairperson or being written shall

be read by the Clerk, and may be withdrawn before decision or amendment, or any disposition thereof has been made, or a vote thereon had.

(h) *Rule 8: resolutions.* All resolutions must be in writing.

(i) *Rule 9: motions during debate.*

(1) When a question is under debate no motion shall be entertained except:

- (1) To adjourn;
- (2) To lay on the table;
- (3) To take the previous question;
- (4) To postpone; or
- (5) To amend.

(2) Which several motions shall have precedence in the order in which they are named, and the first three shall be decided without debate.

(j) *Rule 10: division.* Any member may call for a division of a question when the same will admit thereof.

(k) *Rule 11: voting; abstaining from voting.* When a question is put by the chair, every member present shall vote unless for special reasons the chair shall excuse him or her. For those questions for which an abstention is permitted, such a vote shall be counted as a vote cast in favor of the position taken by the majority of those persons present and voting. In doubtful cases the chair may direct, or any member may call for, a division. The yeas and nays shall be called upon a requisition of the chair or any member, and upon the final passage of all ordinances in which case the names of the members voting and their votes shall be recorded in the minutes.

(l) *Rule 12: precedence of questions.* All questions shall be put in the order in which they are moved, except in case of privilege questions, and in filling blanks the longest time and the largest sum shall be first.

(m) *Rule 13: previous question.* The previous question shall be put in these words: "Shall the main question now be put?" It shall be admitted on demand of any member and until decided shall preclude all amendments and debate of the main question.

(n) *Rule 14: passing of ordinances.* All ordinances shall be read by sections, at which time amendments, if any, may be offered, but the reading of any section shall not preclude the offering of an amendment to any preceding one. If amendments are made the chair shall so report, and each section

shall be read as amended before the vote on the passage of the ordinance is taken. After reading and amendment (if any) of the ordinance, the question shall be: "Shall the ordinance pass?" The vote on the final passage of an ordinance shall be taken by yeas and nays, which shall be entered on the journal by the Clerk; and no ordinance shall be valid unless a majority of (or otherwise as required by law) the members of the Council vote in favor thereof; provided, that no ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed.

(K.S.A. 12-3002, 12-3004)

(o) *Rule 15: signing and engrossing ordinances.* After an ordinance shall have passed it shall be correctly entered in the original ordinance book and the original and the book copy shall be signed by the Mayor, or in the absence of the Mayor by the Acting Mayor, and attested by the Clerk, who shall secure publication of the ordinance as required by law.

(p) *Rule 16: Clerk reads communications.* Petitions and other papers addressed to the governing body shall be read by the Clerk under proper order of business upon presentation of the same to the board.

(q) *Rule 17: Robert=s Rules of Order.* In all points not covered by these rules the governing body shall be governed in its procedure by *Robert=s Rules of Order.*

(1997 Code, ' 1-211)

ARTICLE 3: OFFICERS AND EMPLOYEES

Section

1-301	Appointment
1-302	Employees
1-303	Removal
1-304	Vacancy in office
1-305	City Clerk
1-306	Same; fiscal records
1-307	Same; seal; oaths
1-308	Same; withholding agents
1-309	Deputy City Clerk
1-310	City Treasurer
1-311	City Attorney; office; duties
1-312	City Engineer
1-313	Appointment or employment in more than one position
1-314	Conflict of interest

1-301 APPOINTMENT.

At the first regular meeting in May of each year, the Mayor, by and with the consent of the Council, shall appoint a Municipal Judge of the Municipal Court, Chief of Police, City Clerk, City Treasurer, City Attorney, City Street Superintendent, Electric Superintendent, Water and Wastewater Superintendent, Parks Superintendent and such other officers as may be deemed necessary for the best interest of the city. Such officers shall hold their respective offices until their successors have been appointed and qualified. All such appointments shall be entered on the journal of proceedings of the governing body. The duties and salaries of all appointed officers shall be fixed by ordinance.

1-302 EMPLOYEES.

The person designated by the city shall have authority to hire all other employees, or such authority may be delegated to the respective department heads.

1-303 REMOVAL.

(a) A majority of all members-elect of the Council may remove any appointed officer.

(b) The Mayor may suspend at any time any appointed officer for good cause.

(c) Employees, other than appointed officers, may be removed by the Mayor upon recommendation of the respective department heads.

(d) No officer or employee shall be removed for any reason until he or she has been given notice and afforded the opportunity for a hearing.

(K.S.A. 14-201) (1997 Code, ' 1-303)

' 1-304 VACANCY IN OFFICE.

Whenever a vacancy occurs in any appointive office for whatever reason, the vacancy shall be filled by the governing body. Any person appointed to fill such vacancy shall serve only until the next regular time for appointment.

' 1-305 CITY CLERK.

(a) The City Clerk shall:

(1) Be custodian of all city records, books, files, papers, documents and other personal effects belonging to the city and not properly pertaining to any other office;

(2) Carry on all official correspondence of the city;

(3) Attend and keep a record of the proceedings of all regular and special meetings of the governing body;

(4) Enter every appointment of office and the date thereof in the journal;

(5) Enter or place each ordinance of the city in the ordinance books after its passage; and

(6) Publish all ordinances, except those appropriating money, and such resolutions, notices and proclamations as may be required by law or ordinance.

(b) The city elects to exempt itself from the provisions of K.S.A. 14-205, and any amendments thereto, so as to exempt it from the requirement that the City Clerk be a qualified elector of the city. (Charter Ord. 7, adopted 6-6-2007)

' 1-306 SAME; FISCAL RECORDS.

The City Clerk shall:

(a) Prepare and keep suitable fiscal records according to generally accepted accounting principles;

(b) Assist in preparing the annual budget;

(c) Audit all claims against the city for goods or services rendered for the consideration of the governing body. His or her accounts shall properly show the amounts paid from any fund of the city and the cash balance existing in each fund;

(d) Keep an accurate account of all bonds issued by the city; and

(e) Keep a record of all special assessments.

‘ **1-307 SAME; SEAL; OATHS.**

The City Clerk shall:

(a) Have custody of the corporate seal of the city and shall affix the same to the official copy of all ordinances, contracts and other documents required to be authenticated;

(b) Have power to administer oaths for all purposes pertaining to the business and affairs of the city; and

(c) Keep suitable files of all such oaths required to be deposited in his or her office.

‘ **1-308 SAME; WITHHOLDING AGENTS.**

The City Clerk is designated as the withholding agent of the city for the purposes of the Federal Revenue (Income) Act, and shall perform the duties required of withholding agents by said Act or any other Act requiring withholding from the compensation of any city officer or employee. The Clerk shall perform such other duties as may be prescribed by the governing body or the state statutes.

‘ **1-309 DEPUTY CITY CLERK.**

(a) The office of Deputy City Clerk is hereby established. The Mayor shall appoint, by and with the consent of the City Council, the Deputy City Clerk. The person so appointed and confirmed shall hold the office for a term of one year and until a successor is appointed and confirmed.

(b) The Deputy City Clerk shall perform those duties assigned to that office by the City Clerk.

(c) Whenever a vacancy occurs in the position of City Clerk and the city is without a person appointed, confirmed or qualified to hold that office, the Deputy City Clerk shall become the acting City Clerk and fulfill the duties of that office.

(d) Compensation of the Deputy City Clerk shall be set by ordinance passed by the governing body.

‘ **1-310 CITY TREASURER.**

The City Treasurer shall:

- (a) Keep a full and accurate record of all money received and paid out in a ledger book provided by the governing body;
- (b) Publish a quarterly financial statement;
- (c) Deposit all public monies and sign all checks of the city;
- (d) Pay out city funds only upon orders or warrants properly signed by the Mayor and City Clerk; and
- (e) Perform such other duties as may be prescribed by the governing body or the state statutes. (K.S.A. 10-803, 12-1608)

1-311 CITY ATTORNEY; OFFICE; DUTIES.

(a) *Establishment.* There is hereby established the office of City Attorney. No person shall be eligible for the office of City Attorney who is not an attorney at law admitted to practice in the Supreme Court of the State of Kansas.

(b) *Duties.*

(1) The City Attorney or his or her designated colleague shall be charged with the general direction and supervision of the legal affairs of the city.

(2) The City Attorney shall:

- (A) Attend meetings of the City Council when so directed to attend by the governing body;
- (B) Advise the governing body and all officers of the city upon such legal questions affecting the city and its offices as may be submitted to him or her;
- (C) When requested by the governing body, give opinions in writing upon any such questions;
- (D) Draft such ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to him or her in the regular transaction of affairs of the city;
- (E) Approve all ordinances of the city as to form and legality;
- (F) Attend Planning Commission and Board of Zoning Appeals meetings when so directed by the Boards;

(G) The City Attorney (or designated colleague) shall appear and prosecute all violations of the city ordinances in Municipal Court when his or her services shall be required; and

(H) Perform such other duties as may be prescribed by the governing body, the Kansas Statutes, and the city code.

(c) *Exemption from Social Security Act.* Per Ord. 421 (adopted 7-6-1987), the Office of City Attorney is exempt from participation in and the benefits of Title II of the Federal Social Security Act.

(d) *Contract.*

(1) The City Attorney shall enter into a contract for professional services of City Attorney with the city.

(2) The contract shall encompass:

(A) City Code Chapter I, Article 3, ' 1-311 (this code section);

(B) Compensation for duties encompassed in the city code;

(C) Compensation for Municipal Court diversions; and

(D) Compensation for unique assignments.

(e) *Compensation.* The City Attorney shall receive compensation as shall be fixed by ordinance. (Ord. 818, adopted 5-1-2013)

' 1-312 CITY ENGINEER.

(a) The City Engineer shall be a licensed professional engineer in the state.

(b) He or she shall be responsible for:

(1) The design and specifications for all city streets, sewers, water lines, public buildings and other public facilities;

(2) The inspection of all public works projects including streets, sewers, water lines and other public facilities; and

(3) The general supervision of the maintenance and repair of all public facilities.

' 1-313 APPOINTMENT OR EMPLOYMENT IN MORE THAN ONE POSITION.

The same person may be appointed to more than one appointive office, or employed in more than

one department, except that the same person shall not be appointed to incompatible offices. Salaries or wages of such persons shall be prorated between the proper funds of the several offices or departments.

' 1-314 CONFLICT OF INTEREST.

All city officers and employees shall comply with the requirements of K.S.A. 75-4301a et seq., concerning governmental ethics and refrain from making or participating in the making of a contract when prohibited by state law.

ARTICLE 4: PERSONNEL POLICY AND EMPLOYEE BENEFITS

Section

- 1-401 Personnel policies and guidelines
- 1-402 Deferred compensation plan; purpose
- 1-403 Same; Committee
- 1-404 Same; Local Administrator
- 1-405 Same; implementation
- 1-406 Same; accounting

' 1-401 PERSONNEL POLICIES AND GUIDELINES.

There is hereby incorporated by reference for the purpose of establishing employee personnel rules and regulations the document entitled "Uniform Personnel Policies and Guidelines for the City of Burlington". One copy of said document shall be marked or stamped "Official Copy as Adopted by the Code of the City of Burlington" and which there shall be attached a copy of this section. Said official copy shall be filed with the City Clerk and shall be open to inspection and available to the public at all reasonable hours. All departments of the city shall be supplied with copies of such rules and regulations as may be deemed necessary.

' 1-402 DEFERRED COMPENSATION PLAN; PURPOSE.

To enable the city to attract to and retain in its employment persons of competence and to provide a means for supplementing the retirement benefits of city employees, the city hereby elects to join and participate in the Kansas Public Employees Deferred Compensation Plan, as authorized by K.S.A. 75-5529a and 75-5529b.

(Ord. 544, adopted 6-16-1993)

' 1-403 SAME; COMMITTEE.

There is hereby established a City Deferred Compensation Committee, which shall consist of four officers and employees of the city. The City Superintendents shall be a member and Chairperson of the Committee. The City Clerk shall be a member and Secretary of the Committee. The remaining members shall be appointed by the Mayor and shall serve until replaced by a new appointee.

(Ord. 544, adopted 6-16-1993)

' **1-404 SAME; LOCAL ADMINISTRATOR.**

The City Clerk is hereby charged with the duties of serving as local administrator of the plan and shall provide forms to all city employees to specify the amount of any compensation voluntarily deferred, make appropriate reductions from the gross compensation of such employees; transfer to the designated company the amount so deferred in accordance with the conditions established under the Plan Joinder Agreement, and serve as Secretary of the Deferred Compensation Committee established by ' 1-403.

(Ord. 544, adopted 6-16-1993)

' **1-405 SAME; IMPLEMENTATION.**

The city, being authorized to become a joint contract owner with the state of the group annuity contract issued by the designated company, in conjunction with the Kansas Public Employees Deferred Compensation Plan, hereby authorizes and approves execution of a Plan Joinder Agreement and a contract joinder agreement to implement a deferred compensation plan. Such agreements shall be signed by the Mayor.

(Ord. 544, adopted 6-16-1993)

' **1-406 SAME; ACCOUNTING.**

The City Clerk shall periodically cause an accounting to be made to each employee participating in the city=s deferred compensation plan of the amount contributed and such other information as may be required by the Committee. The city shall not be responsible for any loss incurred by an employee under the city=s deferred compensation plan adopted and approved by this article.

(Ord. 544, adopted 6-16-1993)

ARTICLE 5: OATHS AND BONDS

Section

- 1-501 Oath; affirmation
- 1-502 Oaths filed
- 1-503 Bonds required
- 1-504 Same; premiums
- 1-505 Condition of bonds
- 1-506 Approval of bonds

' 1-501 OATH; AFFIRMATION.

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 offices, take and subscribe an oath or affirmation as follows.

(a) *Oath.* AI do solemnly swear (or affirm, as the case may be) 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 name of office or position). So help me God. @

(b) *Affirmation.* AI do solemnly, sincerely and truly declare and affirm that I will support the Constitution of the United States and of the State of Kansas and faithfully discharge the duties of _____ (enter name of office or position). This I do under the pains and penalties of perjury. @
(K.S.A. 54-104, 54-106, 75-4308)

' 1-502 OATHS FILED.

All officers and employees required to take and subscribe or sign an oath or affirmation shall be supplied the forms for the purpose at the expense of the city, and upon taking and subscribing or signing any such oath or affirmation, the same shall be filed by the City Clerk.

' 1-503 BONDS REQUIRED.

(a) (1) The following city officers shall each, before entering upon the duties of his or her office, give a good and sufficient corporate surety bond to the city.

(2) The bond shall be in the following amount, to wit:

- (A) City Treasurer: \$10,000;
- (B) City Clerk: \$10,000;
- (C) Clerk of Municipal Court: \$1,000; and
- (D) Judge of Municipal Court: \$1,000.

(b) The governing body may provide for the coverage by blanket bond of such officers and employees and in such amounts as the governing body may, by resolution, designate.

' 1-504 SAME; PREMIUMS.

All premiums on surety bonds shall be paid by the city.
(K.S.A. 78-111)

' 1-505 CONDITION OF BONDS.

Each of the bonds required in ' 1-503 shall be conditioned for the faithful performance of duty and all acts required by the laws of the state and of the city, and for the application and payment over to the proper persons of all monies or property coming into the hands of each such officer by virtue of his or her office.

' 1-506 APPROVAL OF BONDS.

All bonds given to the city shall be approved as to their form by the City Attorney and as to surety and sufficiency by the governing body, unless otherwise provided by the laws of the state.

ARTICLE 6: OPEN RECORDS

Section

- 1-601 Policy
- 1-602 Record custodians
- 1-603 Local Freedom of Information Officers
- 1-604 Public request for access
- 1-605 Facilities for public inspection
- 1-606 Procedures for inspection
- 1-607 Appointment of official custodians
- 1-608 Appointment of Local Freedom of Information Officer
- 1-609 Designation of additional record custodians
- 1-610 Requests to be directed to custodians
- 1-611 Fee administration
- 1-612 Inspection fee
- 1-613 Copying fee
- 1-614 Prepayment of fees
- 1-615 Payment

1-601 POLICY.

(a) It is hereby declared to be the policy of the city that all public records which are made, maintained or kept by or are in the possession of the city, its officers and employees, shall be open for public inspection as provided by, and subject to the restrictions imposed by, the State Open Records Act.

(b) Any person, upon request, shall have access to such open public records for the purpose of inspecting, abstracting or copying such records while they are in the possession, custody and control of the appointed or designated record custodian thereof, or his or her designated representative.

1-602 RECORD CUSTODIANS.

(a) All city officers and employees appointed or designated as record custodians under this article shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the city; provide assistance and information upon request; ensure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this city for inspecting and copying open public records.

(b) The official custodian shall prominently display or distribute or otherwise make available to the public a brochure in the form prescribed by the Local Freedom of Information Officer that contains basic information about the rights of a requester, the responsibilities of a public agency and the procedures for inspecting or obtaining a copy of public records under the State Open Records Act. The official custodian shall display or distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the city where it is available to members of the public who request public information in person.

' 1-603 LOCAL FREEDOM OF INFORMATION OFFICERS.

The Local Freedom of Information Officer shall:

(a) Prepare and provide educational materials and information concerning the State Open Records Act;

(b) Be available to assist the city and members of the general public to resolve disputes relating the State Open Records Act;

(c) Respond to inquiries relating to the State Open Records Act; and

(d) Establish the requirements for the content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise made available to the public under the State Open Records Act. In establishing such requirements for the content of the brochure, the Local Freedom of Information Officer shall include plainly written basic information about the rights of a requester, the responsibilities of the city and the procedures for inspecting and obtaining a copy of public records under the Act.

(Res. 2007-04, passed 6-6-2007)

' 1-604 PUBLIC REQUEST FOR ACCESS.

All city offices keeping and maintaining open public records shall establish office hours during which any person may make a request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public. For any city office not open Monday through Friday, hours shall be established by the record custodian for each such day at which time any person may request access to an open public record.

' 1-605 FACILITIES FOR PUBLIC INSPECTION.

All city offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect and/or copy an open public record. The office of the City Clerk, being the principal record-keeper of the city, shall be used as the principal office for providing access to and providing copies of open records to the maximum extent practicable. Requesters of records shall be referred to the office of the City Clerk except when the requested records are not in that office and are available in another city office.

' 1-606 PROCEDURES FOR INSPECTION.

Any person requesting access to an open public record for purposes of inspecting or copying such record, or obtaining a copy thereof, shall abide by the procedures adopted by the governing body for record inspection and copying, including those procedures established by record custodians as authorized by the governing body. Such procedures shall be posted in each city office keeping and maintaining open public records.

' 1-607 APPOINTMENT OF OFFICIAL CUSTODIANS.

The following city officers are hereby appointed as official custodians for purposes of the State Open Records Act and are hereby charged with responsibility for compliance with that Act with respect to the hereinafter listed public records:

(a) *City Clerk*. All public records kept and maintained in the City Clerk=s office and all other public records not provided for elsewhere in this section;

(b) *City Treasurer*. All public records not on file in the office of the City Clerk and kept and maintained in the City Treasurer=s office;

(c) *Chief of Police*. All public records not on file in the office of the City Clerk and kept and maintained in the City Police Department;

(d) *City Attorney*. All public records not on file in the office of the City Clerk and kept and maintained in the City Attorney=s office; and

(e) *Clerk of the Municipal Court*. All public records not on file in the office of the City Clerk and kept and maintained in the Municipal Court.

' 1-608 APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER.

The City Clerk is appointed by the governing body as the Local Freedom of Information Officer and charged with all of the duties as set forth in ' 1-603.

' 1-609 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

(a) Each of the official custodians appointed in ' 1-607 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the State Open Records Act.

(b) Whenever an official custodian shall appoint another person as a record custodian he or she shall notify the City Clerk of such designation and the City Clerk shall maintain a register of all such designations.

' 1-610 REQUESTS TO BE DIRECTED TO CUSTODIANS.

(a) All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the State Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.

(b) Whenever any city officer or employee appointed or designated as a custodian under this article is presented with a request for access to, or copy of, a public record which record the custodian does not have in his or her possession and for which he or she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

' 1-611 FEE ADMINISTRATION.

The City Clerk is hereby authorized to provide the Clerk=s office, and the office of each record custodian, with sufficient cash to enable the making of change for record fee purposes. Each custodian shall transmit all record fee monies collected to the City Treasurer not less than monthly. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of fee charged and collected, which amounts shall be periodically audited by the Clerk-Finance Officer and Treasurer of the city.

' 1-612 INSPECTION FEE.

(a) Where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.

(b) In all cases not covered by division (a) above, a record inspection fee shall be charged, at the rate, as set by the governing body, per hour per employee engaged in the record search. A minimum charge, as set by the governing body, shall be charged for each such request.

' 1-613 COPYING FEE.

(a) A fee of \$0.20 per page shall be charged for photocopying public records, such fee to cover the cost of labor, materials and equipment.

(b) For copying any public records which cannot be reproduced by the city=s photocopying equipment, the requester shall be charged the actual cost to the city, including staff time, in reproducing such records.

' **1-614 PREPAYMENT OF FEES.**

(a) A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

(b) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed a fee, as set by the governing body.

(c) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

' **1-615 PAYMENT.**

All fees charged under this article shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for purposes of billing and payment, with the city.

ARTICLE 7: INVESTMENT OF PUBLIC FUNDS

Section

- 1-701 Purpose and goals
- 1-702 Active funds; designation of depositories; eligible depositories
- 1-703 Definitions
- 1-704 Investment of idle funds
- 1-705 Procedures and restrictions
- 1-706 Custody and safekeeping
- 1-707 Sale or transfer
- 1-708 Interest on time deposits

1-701 PURPOSE AND GOALS.

(a) It is the purpose of this statement to set forth the public policies of the city relating to the investment of public monies, and establish procedural requirements as to investment management practice.

(b) The objective of the investment policy and program of the city shall be as follows.

(1) The safeguarding of all public monies shall be of the highest priority. Public money shall not be invested or managed in any matter which would jeopardize the safety of the principal.

(2) Consistent with the requirement of safety, the objective of the investment program shall be to aggressively manage and invest all public monies to maximize net earnings, consistent with the public responsibility to secure maximum, safe investment return possible from monies assigned to its stewardship, to relieve demands on the property tax, and to otherwise reduce the cost of public services.

1-702 ACTIVE FUNDS; DESIGNATION OF DEPOSITORIES; ELIGIBLE DEPOSITORIES.

(a) The governing body shall designate the banks, savings and loan associations and savings banks which shall serve as depositories of its funds. The Clerk, Treasurer or other city officer or employee having the custody of city funds shall deposit such funds only at the designated banks, savings and loan associations and savings banks. Only banks, savings and loan associations and savings banks that have main or branch offices in the county shall be designated as official depositories. No such bank, savings bank or savings and loan association shall be designated as a depository until the city is assured that it

can obtain satisfactory security for its deposits.

(b) The Clerk, Treasurer or other city officer or employee depositing public funds shall deposit all such public funds coming into such person=s possession in his, her or their name and official title as such officer. If the governing body fails to designate an official depository or depositories, the officer thereof having custody of city funds shall deposit such funds with one or more banks, savings and loan associations or savings banks which have main or branch offices in the county if satisfactory security can be obtained therefor and if not then elsewhere. In such event, the officer or employee shall serve notice in writing on the governing body showing the names and locations of such banks, savings and loan associations and savings banks where such funds are deposited, and upon so doing, the officer or employee having custody of such funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by the officer or employee.

(c) If eligible banks, savings and loan associations or savings banks under divisions (a) or (b) above cannot or will not provide an acceptable bid, which shall include services for the depositing of public funds under this section, then banks, savings and loan associations or savings banks that have main or branch offices in any immediately adjoining county may receive deposits of the city=s active funds, if such banks, savings and loan associations or savings banks have been designated as official depositories under division (a) above and the city can obtain satisfactory security therefor.

1-703 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BANK. Any bank incorporated under the laws of the state or any other state, or organized under the laws of the United States and which has a main or branch office in the state.

BRANCH. Any office within this state, other than the main office, that is approved by a federal or state supervisory agency at which deposits are received, checks paid or money lent. **BRANCH** does not include an automated teller machine, remote service unit or similar device or a loan production office.

INVESTMENT RATE. A rate which is the equivalent yield for United States government securities having a maturity date as published in the *Wall Street Journal*, nearest the maturity date for equivalent maturities. The zero- to 90-day rate shall be computed on the average effective federal funds rate as published by the Federal Reserve System for the previous week.

MAIN OFFICE. The place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch.

SAVINGS AND LOAN ASSOCIATION. Any savings and loan association incorporated under the laws of the state or any other state, or organized under the laws of the United States and which has a main or branch office in the state.

SAVINGS BANK. Any savings bank organized under the laws of the United States and which has

a main or branch office in the state.
(K.S.A. 12-1675a)

1-704 INVESTMENT OF IDLE FUNDS.

Temporarily idle monies of the city not currently needed, may in accordance with the procedure hereinafter described be invested:

(a) In temporary notes or no-fund warrants issued by the city;

(b) In savings deposits, demand deposits, time deposit, open accounts, certificates of deposit or time certificates of deposit with maturities of not more than two years:

(1) In banks, savings and loan associations and savings banks which have main or branch offices located in the city; or

(2) If no main or branch office of a bank, savings and loan association or savings bank is located in the city, then in banks, savings and loan associations and savings banks, which have main or branch offices in the county or counties in which all or part of the city is located.

(c) In repurchase agreements with:

(1) Banks, savings and loan associations and savings banks, which have main or branch offices located in the city, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof;

(2) If no main or branch office of a bank, savings and loan association or savings bank, is located in the city. If no such bank, savings and loan association or savings bank having a main or branch office located in the city is willing to enter into such an agreement with the city at an interest rate equal to or greater than the investment rate, as defined in K.S.A. 12-1675a(g), and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in the county or counties in which all or part of the city is located; or

(3) If no bank, savings and loan association or savings bank, having a main or branch office in such county or counties is willing to enter into such an agreement with the city at an interest rate equal to or greater than the investment rate, as defined in K.S.A. 12-1675a(g), and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks located within the state.

(d) In direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, not including mortgage-backed securities with maturities as the governing body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the Federal Reserve Bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of

the Federal Reserve Bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of ' ' 15 or 15C of the Securities Exchange Act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto;

(e) In the Municipal Investment Pool Fund established in K.S.A. 12-1677a, and amendments thereto;

(f) In the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b, and amendments thereto;

(g) In multiple municipal client investment pools managed by the trust departments of banks which have main or branch offices located in county or counties where city is located or with trust companies incorporated under the laws of this state which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks which have main or branch offices located in the county or counties in which the city is located. Public monies invested under this division (g) shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public monies made by trust departments under this division (g) shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto;

(h) The investments authorized in divisions (d), (e), (f) or (g) above shall be utilized only if the banks, savings and loan associations and savings banks eligible for investments authorized in division (b) above, cannot or will not make the investments authorized in division (b) above available to the city at interest rates equal to or greater than the investment rate, as defined in K.S.A. 12-1675a(g), and amendments thereto; or

(i) In selecting a depository pursuant to division (b) above, if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the city and such financial institution will make such deposits available to the city at interest rates equal to or greater than the investment rate, as defined in K.S.A. 12-1675a(g), and amendments thereto, and such financial institution otherwise qualifies for such deposit, the governing body shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the city shall select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in the county or counties in which all or a part of the city is located which will make such deposits available to the city at interest rates equal to or greater than the investment rate, as defined in K.S.A. 12-1675a(g), and amendments thereto, and which otherwise qualify for such deposits.

(K.S.A. 12-1675)

' 1-705 PROCEDURES AND RESTRICTIONS.

The City Clerk shall periodically report to the governing body as to the amount of money available for investment and the period of time such amounts will be available for investment, and shall submit such recommendations as deemed necessary for the efficient and safe management of city finances. The recommendations of the City Clerk shall provide for an investment program which shall so limit the amounts invested and shall schedule the maturities of investments so that the city will, at all times, have sufficient monies available on demand deposit to assure prompt payment of all city obligations.

' 1-706 CUSTODY AND SAFEKEEPING.

Securities purchased pursuant to this article shall be under the care of the person designated by the city 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. Securities in the original or receipt form held in the custody of a bank or trust company shall be held in the name of the city, and their redemption, transfer or withdrawal shall be permitted only upon the written instruction of the city officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officer in a safety deposit box in the name of the city in a bank or trust company, access to which shall be permitted only in the personal presence and under the signature of two of the abovementioned officers.

' 1-707 SALE OR TRANSFER.

If, in order to maintain sufficient monies on demand deposit in any fund as provided in ' 1-705, it becomes necessary to transfer or sell any securities of such funds, the officers specified in ' 1-706 may transfer said securities to any other fund or funds in which there are temporarily idle monies, or shall sell such securities, and for such purpose they shall have authority to make any necessary written direction, endorsement or assignment for and on behalf of the city.

' 1-708 INTEREST ON TIME DEPOSITS.

The City Clerk shall deposit the interest earned on invested idle funds to the General Fund, unless otherwise required or authorized by law.

ARTICLE 8: FEES

Section

- 1-801 Incorporation
- 1-802 Planning and zoning fees
- 1-803 Amusement licenses and fees
- 1-804 Cereal malt beverages/alcoholic beverages
- 1-805 Solicitors, canvassers and peddlers
- 1-806 Connection by city
- 1-807 Plumbers
- 1-808 Electricians
- 1-809 Dog license
- 1-810 Rates for solid waste service
- 1-811 Vehicle inspections and unconventional vehicle use permits
- 1-812 Miscellaneous
- 1-813 Violations

1-801 INCORPORATION

The following named fees are adopted and declared to be the fee schedule of the City of Burlington which has been authorized to be prepared, revised, published and incorporated in the code of the City of Burlington by the governing body of the City of Burlington, Kansas, on January 18, 2017 per Ordinance 847.

1-802	PLANNING AND ZONING FEES: Per Burlington Zoning Regulations 9-104, the governing body set fees in a fee ordinance. All non-refundable except for unapproved permit for zoning changes.		
Amendment to District**			100.00
Appeal (BZA)			50.00
Arborist License (Annual Fee); [\$50,0000 Liability Ins /Performance Bond]	Ord 789		25.00
Building Permit (penny a square foot)			0.01 sq. ft.
Commercial Parking Lot			10.00
Communications Structure			10.00
Conditional Use (BZA)			50.00
Fence / Wall			10.00
Home Use Occupation			20.00
Lot Split			20.00
Moving Permit (to Move Structures)			10.00
Planned Unit Development District			125.00
Propane Tank			20.00
Rack Mounted Solar Equipment			10.00
Satellite Antenna / Aerial			5.00
Scrap Metal Dealer - Renewal of License (for 10 more years)	Code 5-604 / Ord 816		50.00
Scrap Metal Dealer Application Fee (Initial License for 10 years)	Code 5-603 / Ord 816		200.00

Sign Permit		20.00	
Special Use**		100.00	
Sprinkler System		10.00	
Subdivision***		100.00	
Swimming Pool		20.00	
Variance (BZA)		50.00	
Zoning Permit and/or Occupancy Certificate*		20.00	
NOTES: See notes below			

* This fee is not separately required if an application is concurrently made for a joint Building/Zoning Permit and/or Certificate. Failure to apply for a Zoning Permit and/or Occupancy Certificate prior to commencing the construction, structural alteration, enlargement or moving of a structure or the establishment change to another, extension or enlargement of a use which upon investigation would otherwise have been permitted by these regulations, there shall be a \$20.00 investigation charge added to the permit and/or Certificate

** If an amendment to a district and a special use are concurrently processed for the same zoning lot, only

*** \$5.00 addition for each lot over one base on the number of lots shown on the preliminary plat.

1-803 AMUSEMENT LICENSES AND FEES

Amusements Stands or Exhibitions: Not otherwise provided (Per Day)	Code 5-502	5.00	day
Coin Operated Machines: Music / Juke Box / Game Machines - Marble, Pinbox, Video, etc. (Per Machine/Per Year)	Code 5-504	5.00	yr
Dance License (Per Year)		50.00	yr
Pool Table (Per Table/Per Year)	Code 5-403	7.50	yr

BANKRUPT OR FIRE SALE

License per Month (can be prorated)	Code 5-503	50.00	mo
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1-804 CEREAL MALT BEVERAGES/ALCOHOLIC BEVERAGES

Case Lot Cereal Malt License / Non-Consumption (Per Year)	Code 3-207 (a) (4)	40.00	yr
		25.00	
City Alcohol Beverage & Cereal Malt Permit for 4-H Building and Kelley Hall Building	Code 12-110	15.00	day
	PLUS Refundable Deposit	100.00	
Fraternal or Non-Profit Organization: First 24 hours	Code 3-207 (a) (3)	100.00	1st 24 hr
	PLUS Fee for EACH subsequent 24 hours	50.00	ea 24 hr
		25.00	
General Retail Cereal Malt Beverage License - Business Selling at Retail (Per Year)	Code 3-207 (a) (1)	50.00	yr
		25.00	
General Retailer Where Dancing is Permitted for compensation or not	Code 3-207 (a) (2)	100.00	yr
		25.00	

1-805 SOLICITORS, CANVASSERS AND PEDDLERS

Coffey County Resident: License (Per Day)	Code 5-205	5.00	day
Non-Coffey County Resident:			
Solicitor License Application Fee for Police Investigation	Code 5-207	10.00	
PLUS: Solicitor License for door to door - Per Day Fee	Code 5-208	10.00	day
Transient Merchant (Stationary) (Per Day)	Code 5-505	20.00	day

1-806 CONNECTION BY CITY

Water Meter Installation Inside City Limits (Ord. 673)

Service Charge for 5/8" and 3/4"	Code: 15-212 Ord. 673	500.00	
Service Charge for 1"	Code: 15-212 Ord. 673	700.00	
Service Charge for 2" (Normal Installations)	Code: 15-212 Ord. 673	3,000.00	
Meter Testing Fee (On request, Paid in advance, not refunded if tested to be okay:	Code: 15-218	30.00	
Water Meter Installation for Water Outside City Limits with Waiver of Annexation: (Ord. 673)			
Service Charge for 5/8" and 3/4" Meter	Code: 15-212 Ord. 673	3,000.00	
Service Charge for 1" to be negotiated	Code: 15-212 Ord. 673	3,200.00+	
Service Charge for 2" to be negotiated	Code: 15-212 Ord. 673	4,000.00+	
Sewer Installation (In District)			
Sewer Hookup	Code 15-405 / Code 15-406	400.00	
Sewer Connection Permit & Inspection Fee (Residential, Commercial, Industrial)	Code 15-407	5.00	
Sewer Connection Permit & Inspection Fee (private sewer)	Code 15- 418	5.00	
Sewer Connection Permit in Special Sewer District	Code 15-408	0.2620	
Electric: Miscellaneous			
Area Light Fee per Month	Council Motion 4/17/2002	8.00	mo
Area Light Installation	Council Motion 4/17/2002	100.00	
Electric Temporary Meter/Installation	Code 15-314; Ord. 711	50.00	
Meter Testing Fee (On request, Paid in advance, not refunded if tested to be okay) Fee based on type of meter.	Code 15-307	\$10 to \$50	
UTILITY DEPOSITS			
ELECTRIC Deposit	Code: 15-114 Ord 266 in 1979	100.00	
WATER Deposit	Code: 15-114 Ord 266 in 1979	50.00	
Utility Reconnection - Payment in full required prior to reconnection.			
Electric/Water Turn-On Fee (Between 8 a.m. & 4 p.m., M-F; except holidays. Must pay before connection.	Ord 798 Code 15-112 & 15-221	100.00	
Electric/Water Turn-On Fee on Holidays occurring M-F, weekends, or outside regular working hours above.	Ord 798 Code 15-112 & 15-221	125.00	
If Water is turned off <i>after</i> the Electric Meter, then charge an additional fee.	Ord 798 Code 15-112 & 15-221	100.00	
1 907 PLUMBERS			
Plumber's Examination Fee	Code 4-423	10.00	
Plumber's License	Code 4-424	75.00	
Plumber's Permit Fee	Code 4-413	15.00	
EQUIPMENT			
Sewer Cleaning Machine (Minimum 1 Hour)	First Hour	70.00	
	Each subsequent Hour	60.00	
Jack Hammer with Air Compressor (Minimum 1 Hour)	First Hour	50.00	
	Each subsequent Hour	35.00	
Jack Hammer or Air Drill w/o Air Compressor (Min. 1 Hour)	First Hour	35.00	
	Each subsequent Hour	35.00	
1 909 ELECTRICIANS			
Electric Permit Fee	Code 4-313	15.00	
Electrician's License	Code 4-327	75.00	

1 800	DOG LICENSE				
	Natural Female (Annual)	Code 2-212	15.00		
	Natural Male (Annual)	Code 2-212	10.00		
	Neutered Male/Spayed Female (Annual)	Code 2-212	5.00		
	Dangerous Animal Permit (Annual) for 1 Animal	Code 2-310	20.00		
	PLUS - Additional Animals regardless of how many: Permit not to exceed \$25.00	Code 2-310	5.00		
	Duplicate Tag	Code 2-214	1.00		
	Appeal - Court Administrative Fee - collect prior to hearing	Code 2-316	10.00		
	ADOPTION				
	Adoption fee + \$50 if animal is not spayed or neutered; \$50 refundable upon proof of surgery.	Code: none	75.00		
BOARD FEE (Daily Fee + \$10 Redemption/Pick up Fee for all animals)					
Cats	Code 2-209	3.00			
Small Dog (1 to 20 pounds)	Code 2-209	7.00			
Medium Dog (21 to 55 pounds)	Code 2-209	10.00			
Large Dog (56 pounds and over)	Code 2-209	15.00			
PLUS Redemption Fee for all animals, per animal	Code 2-209	10.00			
1 810	RATES FOR SOLID WASTE SERVICE				
	Trash Exemption (Annual) to not have trash picked up	Code 15-505	5.00		
	Trash Service (Residential Rate Per Month)	Code 15-541 Ord 779	see Ord		
1 811	VEHICLES INSPECTIONS AND UNCONVENTIONAL VEHICLE USE PERMITS				
	INSPECTIONS (VINS)	Set by Kansas State Statute			
	UNCONVENTIONAL VEHICLE USE PERMIT: Code: Chapter 14, Article 5 (Ord. 802)				
	Permit due annually from date of initial purchase				
	DEALER may purchase one permit to cover up to 3 like vehicles (for demonstration and test driving)	Code 14-507 & 14-510 Ord 802	25.00		
	INDIVIDUAL OWNER for each vehicle	Code 14-507 Ord 802	25.00		
1 812	MISCELLANEOUS				
	COPIES (printed/photocopied) (per page)	Code 1-613	0.20	pg	
	COPIES (electronic on Email, CD, flashdrive, etc.)	Set to cover time and materials used	cover City's expense		
	NUISANCE PROPERTY - Mowing/Weedeating/etc.				
	ABATEMENT of Nuisance Property --- per hour	Ord 782 (Code 8-207 - 8-210)	150.00		hr
	ADMINISTRATIVE FEE for Abatement	Ord 782 (Code 8-207 - 8-210)	150.00		
	EXCAVATION PERMIT				
	PERMIT per Excavation	Code 13-304	5.00		ea
	PLUS \$20.00 per sq yd.	Code 13-303	20.00		sq.
	TRAILER COURT FEES				
Trailer Camp License for a New Park/Camp or Expansion: Initial Fee for each lot/space	Mfg. Home Park/Tr Camp Reg #102	10.00		lot space	
Per Lot (annual fee)	Mfg. Home Park/Tr Camp Reg #102	2.00		lot space	

1-813 VIOLATIONS

Any property owner, person or contractor violating the provisions of this article shall be guilty of a Class A misdemeanor as defined by the Uniform Public Offense Code of the City of Burlington, Kansas.

(1997 Code, ' ' 1-801 - 1-813) (Ord. 847, adopted 1-18-2017)

ARTICLE 9: FINANCIAL AFFAIRS

Section

- 1-901 Petty Cash Fund
- 1-902 Insurance proceeds fund and emergency action recovery
- 1-903 Property tax exemptions
- 1-904 Bid policy for awarding contracts for equipment, materials and services
- 1-905 City sales tax
- 1-906 Credit card policies and procedures

' 1-901 PETTY CASH FUND.

(a) There is hereby authorized the establishment of a Petty Cash Fund in the City Clerk=s office, for the purpose of paying postage, freight, temporary labor and other emergency expenses, including refunds of deposits made to secure payment of accounts.

(b) The Petty Cash Fund shall be deposited in the designated city depository bank and paid out on order of the City Clerk by checks which shall state clearly the purpose for which issued.

(c) (1) The Petty Cash Fund shall not exceed the amount of \$1,000 which shall be funded as follows:

(A) From the Water Utility Fund: \$200; and

(B) From the Electric Utility Fund: \$800.

(2) The appropriation listed above shall remain a part of and the exclusive property of each respective fund.

(d) Whenever such Petty Cash Fund becomes low or depleted, the City Clerk shall prepare a voucher covering such expenses as have been paid from the Petty Cash Fund and shall submit such vouchers together with the paid checks to the governing body or audit, and allowance of the amount from the regular funds of the utilities. Warrants issued therefor shall be payable to the Petty Cash Fund and shall be deposited therein to restore the Petty Cash Fund to its original amount for use as herein provided.

(1997 Code, ' 1-901)

' 1-902 INSURANCE PROCEEDS FUND AND EMERGENCY ACTION RECOVERY.

(a) As described in Chapter VIII, Article 6 of the City Code, Insurance Proceeds Fund, the city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion, or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75% of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

(1997 Code, ' 8-901) (Ord. 843, adopted 8-3-2016)

(b) Chapter VIII, Article 7, Emergency Action Expense Recovery, covers action and recovery. (Ord. 472, adopted 11-1-1999)

' 1-903 PROPERTY TAX EXEMPTIONS.

(a) *Purpose.* The purpose of this section is to establish the official policy and procedures of the City Council (the governing body) for the granting of property tax exemptions and tax incentives for real and personal property used for economic development purposes, in accordance with the provisions of Article 11, ' 13 of the Constitution of the State of Kansas. These policies and procedures shall also apply to property tax exemptions authorized by K.S.A. 12-1740 et seq. in connection with industrial revenue bonds issued by the city. The governing body has authority to grant property tax exemptions within the city. The governing body is under no obligation to approve any requested exemption and reserves the right to deviate from the policies and criteria contained herein if circumstances exist to warrant such deviation.

(b) *General objective.* The securing of private economic growth and development and the addition of new jobs within the community are important current and long-term objectives of this city. The granting of property tax exemptions and tax incentives is one of the tools available under state law to help secure these public objectives. This section is intended to establish the procedure and policy standards to govern the fair, effective and judicious use of the power to grant such exemptions and tax incentives in this city.

(c) *Legal authority.*

(1) The governing bodies of Kansas counties and cities may exempt certain property used for economic development purposes from taxes for a maximum of ten years, in accordance with the provisions of Article 11, ' 13 of the Kansas Constitution, subject to such limitations or prohibitions as may be enacted by the legislature that are uniformly applicable to all cities and counties. This authority is discretionary with the governing body, and the governing body may provide for tax exemptions-incentives in an amount and for purposes more restrictive than that authorized by the Constitution or any such legislation.

(2) Pursuant to its home rule powers, the governing body may:

(A) Require the owners of any property for which an exemption is requested to provide certain information;

(B) Condition the granting of an exemption to an agreement providing for the payment of in lieu charges or taxes under the provisions of K.S.A. 12-147 and 12-148; and

(C) Require the payment of initial application and annual renewal fees reasonably necessary to cover the costs of administration.

(3) The statutory authority for exempting certain property from ad valorem taxation and requiring payments in lieu of such taxes is found in K.S.A. 12-1740 et seq. Should the requirements of K.S.A. 12-1740 et seq. be different or in conflict with the procedures established by this policy, the requirements of the statute shall be followed. The Kansas Board of Tax Appeals (BOTA) is the final authority on the granting of the tax exemption. The governing body of the city cannot guarantee the tax exemption.

(d) *General procedure.* The following basic procedure shall govern the issuance of tax exemptions-incentives within this city.

(1) The applicant business shall apply for a tax exemption-incentive by filing a written application as provided in division (n) below.

(2) A preliminary review of the application will be completed by a review committee consisting of designees from the county, city and school district in which the property is or will be located for the purpose of ascertaining that all necessary documentation and information is submitted, and that the request complies with the parameters of this statement of policy and procedure.

(3) A costs and benefits analysis (CBA) will be completed by the city or county to determine what portion, if any, of the property to recommend for exemption. The CBA will include the effect of the exemption on state revenues, including the negative impact on the state imposed levy for school finance and for the construction of state buildings.

(4) It shall then be determined whether the requested tax incentive:

(A) May be lawfully granted; and

(B) Should be granted with the amount thereof later determined, but subject to an agreement of the business to make an in lieu of tax payment as may be required by the governing body.

(5) The amount of the tax incentive, which will be an amount less than the taxes otherwise payable if the property were not exempt, will then be determined in accordance with this statement.

(6) Upon the failure of the business to fully and timely pay the in lieu of tax payments, as may be required as a condition of the granting of an exemption, or to provide reports or other information requested by the governing body and reasonably necessary for the implementation of this policy, the governing body may either deny, revoke or not renew the authorization of such an exemption. All requests for a tax exemption-incentive for economic development purposes shall be considered and acted upon in accordance with this statement.

(e) *Tax incentive defined.* Various words and terms used in this statement are defined in division (aa) below. The terms **TAX INCENTIVE** or **TAX EXEMPTION-INCENTIVE** shall mean the difference between the amount of ad valorem property taxes the affected business would pay if there were no city-granted exemption and the amount required to be paid as in lieu of taxes or charges. For example, if the taxes required with no exemption were \$5,000, and the required in lieu of tax payments were \$3,000, the tax incentive would be \$2,000.

(f) *Jurisdiction.* The governing body may grant tax exemptions-incentives for any eligible property located within the city=s boundaries.

(g) *Nominal tax determination.* All tangible property of a business receiving a tax exemption-incentive under this statement shall be annually assessed by the County Appraiser in the same manner as if it were not exempt, but the amount thereof shall not be placed on the assessment rolls. The amount of the property taxes which would be payable shall also be determined annually by the County Clerk and Treasurer, in the same manner as if the property were not exempt, but such amount shall not be placed on the tax rolls. Separate assessment and tax calculations shall be made for the land, for the improvements thereon, and for any tangible personal property associated therewith, of the exempt business. The appropriate county officers are requested to provide the governing body with this information as early as possible, but not later than November 15 of each year.

(h) *Minimum payment in lieu of taxes.* Any qualifying business receiving a tax exemption-incentive pursuant to this policy statement shall be required during any year in which taxes are abated 100% to make a minimum payment in lieu of taxes which equals the amount of property tax which was payable for the most recent year on the appraised valuation of the real estate, including either land only, or buildings together with land, prior to the construction of new buildings or added improvements to buildings on such property or prior to acquisition of the property, by the qualifying business. The purpose of requiring this minimum in lieu of tax payment is to ensure that the county, city, school district and any other taxing jurisdictions affected by the exemption will not receive less tax revenue from the exempted property than was received prior to the exemption. For extraordinary reasons, such as when vacant buildings are acquired for a new business, or when the market value of the property has decreased, or with respect to projects which due to their unusual nature or magnitude offer extraordinary benefits to the community, this requirement may be waived in part or in whole by the governing body.

(i) *Special assessments.* Any tax exemption granted for real property under this statement shall not affect the liability of such property for any special assessments levied or to be levied against such property.

(j) *Pirating*. It shall be the policy of the governing body not to accept applications for tax exemptions-incentives, or to grant such tax incentives, which deliberately encourage and cause the pirating of business from another Kansas community to this community, or from this community to another Kansas community. It is the intent of the governing body to avoid participation in Abidding wars@ between cities or areas competing for the location of new businesses or expansion of existing businesses, through attempts to offer the largest tax incentive or other public inducement, which is detrimental to the state=s economy and the public interest.

(k) *Standards for determining benefits*. The governing body will consider granting tax exemptions-incentives only upon a clear and factual showing of direct economic benefit to the governing body through advancement of its economic development goals, including the creation of additional jobs and the stimulation of additional private investment. The governing body, in determining the amount and term of a tax exemption-incentive to be granted, shall consider various factors including, but not limited to, the following:

(1) The appraised valuation of the property in relation to the economic benefit to the governing body of increased employment;

(2) The gain in tax revenue which may result from the new or expanded business, including the increase in the property tax base upon the expiration of the exemption;

(3) The contribution that the new or expanded business will make towards increased employment and earnings within the community;

(4) The number of new jobs created directly by the business in relation to the amount of tax incentives granted;

(5) The kinds of jobs created in relation to the type of skills available from the local labor market;

(6) The utilization by the business of labor skills and abilities of unemployed persons in the community;

(7) The degree to which the business improves the diversification of the economy of the governing body and its environs;

(8) The degree to which the ultimate market for the manufactured products is outside the community, recognizing that outside markets bring in Anew money@ to the local economy;

(9) The potential of the business for future expansion and additional job creation;

(10) The beneficial impacts the business may have by creating other new jobs and businesses, including the utilization of local products or other materials and substances in manufacturing;

(11) The beneficial economic impact the business will have on a particular area of the city, including designated enterprise zones and areas of needed revitalization or redevelopment;

(12) The compatibility of the location of the business with land use and development plans of the city and the availability of existing infrastructure facilities and essential public services;

(13) The extent to which additional direct or indirect public costs to the city and to other local units would be necessary, such as the cost of the extension of public facilities; and

(14) The extent to which the economic and employment benefits of the tax incentive accrue to the residents and taxpayers of those taxing subdivisions which indirectly subsidize the business as a result of the forgone tax revenue.

(l) *No exemptions.*

(1) No tax exemption shall be granted if the exemption would create, in the judgment of the governing body, an unfair advantage for one business over another competing business within the city.

(2) No tax exemption shall be granted for the land upon which qualified buildings and improvements are located.

(3) No tax exemption shall be granted for the expansion of any existing business unless such business expansion created a minimum of five new full-time equivalent jobs.

(m) *Amount of tax incentives.*

(1) The two primary objectives of the governing body in granting tax exemptions for economic development are to:

(A) Provide needed jobs; and

(B) Expand the economic and tax base of the city.

(2) The governing body recognizes that a simple system of determining the amount of tax incentives to be granted to reach these objectives may not always be equitable if applied uniformly to different kinds of businesses. In determining the actual amount of tax incentives granted, the governing body shall consider the factors and criteria set forth in division (k) above.

(3) As a general rule, the amount of the tax incentive granted shall be based on the guidelines as set forth below.

(A) *Eligible and non-eligible exemptions.*

(i) *Land.* No exemption will be given on land.

(ii) *Tangible personal property (machinery and equipment)*. Tangible personal property used exclusively for an eligible business activity by a new business or which is necessary to facilitate the expansion of an existing business if, as a result of such expansion, new employment is created, is eligible for exemption.

(iii) *Buildings*. All buildings or additions to existing buildings used exclusively for an eligible business activity used by a new business or which is necessary to facilitate the expansion of an existing business if, as a result of such expansion, new employment is created, are eligible for exemption.

(B) *Exemption parameters.*

(i) For a new or existing qualifying business that makes an initial investment or an additional investment of at least \$100,000 in building(s) and/or machinery and equipment, and that creates a minimum of five full-time jobs up to the equivalent of 19 full-time jobs, exemption will be as follows:

<i>Year</i>	<i>Percentage of Exemption</i>
1	100%
2	80%
3	60%
4	40%
5	20%
6	0%

(ii) For a new or existing qualifying business that makes an initial investment or an additional investment of at least \$250,000 in building(s) and/or machinery and equipment and that creates the equivalent of 20 or more full-time jobs, exemption will be as follows:

<i>Year</i>	<i>Percentage of Exemption</i>
1	100%
2	90%
3	80%

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4	70%
<i>Year</i>	<i>Percentage of Exemption</i>
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%
11	0%

(n) *Application required.* The city will not consider the granting of any tax exemption-incentive unless the business submits a full and complete application, and provides such additional information as may be requested. The Coffey County Economic Development Department (CCEDD) is hereby authorized and empowered to prepare a standard application form which, upon completion, will provide adequate and sufficient information to determine whether a tax incentive should be granted and the amount thereof. The accuracy of the information provided in the application shall be verified by the applicant. Any misstatement of or error in fact may render the application null and void and may be cause for the repeal of any resolution adopted in reliance on said information.

(o) *Application and renewal fees.* Any business requesting a tax exemption pursuant to this section shall pay to the governing body an application fee of \$250, which shall be submitted at the same time the application form required by division (n) above is submitted. In addition, any business which has been granted a tax exemption shall pay an annual renewal fee in the amount of \$100.

(p) *Initial review procedure.*

(1) On receipt of the completed application form, the review committee consisting of designees from the city, county and school district in which the property is or will be located shall determine:

(a) Whether the application is complete and sufficient for review; and

(b) Whether the applicant business is eligible for an exemption under the Kansas Constitution, this section and any other applicable laws.

(2) If the application is incomplete, the review committee shall immediately notify the applicant, noting the need for such changes or additions as deemed necessary. If questions arise as to

whether the business is legally eligible for an exemption, the matter shall be referred to legal counsel, who shall consult with the applicant business. If the application is found complete, and is for a purpose which appears to be authorized by law, the review committee shall so notify the Administrative Review Committee.

(q) *Administrative Review Committee.* There is hereby created an Administrative Review Committee, which shall be composed of the Mayor or his or her designee of the city in which the property is or will be located, the Superintendent or his or her designee of the school district (USD) in which the property is or will be located, the City Attorney, the City Clerk and the County Economic Development Department Director. The purpose of the Administrative Review Committee shall be to receive and review requests and applications for tax exemptions-incentives, to gather and review such additional information as may be deemed necessary to conduct preliminary negotiations with the applicant business, and to make such recommendations as deemed advisable to the city. Administrative Review Committee records, including applications for tax exemptions, may be withheld from public disclosure under the Kansas Open Records Act as provided for under K.S.A. 45-221(20) and 45-221(31) and other subsections of K.S.A. 45-221, but shall be available for public inspection when otherwise required by law. The Committee is authorized to issue administrative letters of intent with governing body approval, but said letters shall not be binding on a governing body and shall be superseded by any final action by the governing body or by letter of intent issued by the governing body under division (r) below.

(r) *Initial governing body action.*

(1) Upon receiving the recommendations of the Administrative Review Committee, the governing body shall first determine whether to reject the requested exemption or to further consider the request.

(2) Upon a favorable vote for further consideration, the governing body shall either:

(A) Issue a letter of intent as provided by division (t) below; or

(B) Schedule a public hearing thereon.

(s) *Notice and hearing.* No tax exemption-incentive shall be granted by the city prior to a public hearing thereon. Notice of the public hearing shall be published at least seven days prior to the hearing in the official county newspaper, giving the time and place, and the hearing may be held at a regular or special meeting of the governing body. The City Clerk shall thereupon notify in writing the Board of County Commissioners, the Superintendent of the appropriate school district, and the Clerk of the township and any other taxing jurisdiction; excluding the state, which derives or could derive property taxes from the affected business. Upon request, the City Clerk shall provide any such public agency with a copy of the application. The applicant business shall be invited, but not required, to attend the public hearing.

(t) *Letters of intent.* Upon receiving the recommendations of the Administrative Review Committee, the governing body may issue a letter of intent, setting forth in general terms its proposed

plans for granting a tax exemption-incentive and any conditions thereto, subject to the provisions of divisions (h) and (m) above. Such letters of intent shall be issued only with the approval of the governing body, and as an expression of good faith intent, but shall not in any way bind the city to the granting of an exemption-incentive. Such letters of intent shall expire six months after issuance, but may be renewed. A public hearing shall not be required prior to the issuance of letters of intent. No elected or appointed officer, employee or committee of the city, and no chamber, governing body, development council, or other public or private body or individual shall be authorized to speak for and commit the governing body to the granting of a tax exemption-incentive. Such letters of intent issued by the governing body shall supersede any letters issued by the Administrative Review Committee.

(u) *Annual renewal.* The extent and term of any tax exemption-incentive granted shall be subject to annual review and determination by the governing body to ensure that the ownership and use of the property and any qualifying criteria of the business for the tax exemption-incentive continue to exist. The review shall be completed by not later than February 1 of each year. The governing body may require an annual renewal application to be filed or other information necessary to assure the continued qualification of the exempt business. Physical additions, new construction or other improvements added after approval of the original tax exemption will not be included in the annual renewal and will require a separate application for tax exemption.

(v) *Transfer of ownership or use.* No exemption or tax incentives granted by the governing body shall be transferred as a result of a change in the majority ownership of the business. Any new owner shall file a new application for a tax exemption-incentive. Further, the governing body shall be notified by the business of any substantive change in the use of a tax exempt property.

(w) *Distribution of revenue.* The granting of tax exemptions-incentives by the governing body is hereby declared to be a contract under the provisions of K.S.A. 12-147. The in lieu of taxes payment which may be required of a business granted a tax exemption under this section shall be paid to the County Treasurer, with notice of the amount and date paid provided to the governing body. The County Treasurer is directed to apportion the payment, under the provisions of K.S.A. 12-148(3), to the general fund of all taxing subdivisions, excluding the state, which levy taxes on property where the business is situated. The apportionment shall be based on the relative amount of taxes levied, for any and all purposes, by each of the applicable taxing subdivisions.

(x) *Exemption ordinance.* The City Clerk shall provide a copy of the ordinance, as published in the official county newspaper, granting an exemption from taxation to the applicant for use in filing an initial request for tax exemption as required by K.S.A. 79-213, and by K.S.A. 79-210 for subsequent years.

(y) *Exemption forms.* A copy of the exemption applications required by K.S.A. 79-213 and 79-210, and the statement required by K.S.A. 79-214 for the cessation of an exempt use of property, shall be filed with the City Clerk by the property owner.

(z) *Waiver of statement requirements.* The governing body reserves the right to grant or not to grant a tax exemption-incentive under circumstances beyond the scope of this section, or to waive any

procedural requirement. However, no such action or waiver shall be taken or made except upon a finding by the governing body that a compelling or imperative reason for emergency exists, and that such action or waiver is found and declared to be in the public interest.

(aa) *Definitions.* For the purpose of this section, in application to this city, the words or phrases as used in either the Constitution or this section shall have meaning or be construed as follows.

APPLICANT. Include the business, property owner or owners, and their officers, employees and agents.

ASSOCIATED THEREWITH. As used with respect to tangible personal property shall mean being located within, upon or adjacent to buildings or added improvements to buildings.

COMMENCED OPERATIONS. The start of the business activity housed in the building for which a tax exemption-incentive is requested.

ECONOMIC DEVELOPMENT PURPOSES. The establishment of a new business or the expansion of an existing business, engaged in manufacturing articles of commerce, conducting research and development, or storing goods or commodities which are sold or traded in interstate commerce, which results in additional employment.

EXPANSION. The enlargement of a building or buildings, construction of a new building, the addition of tangible personal property, or any combination thereof, which increases the employment capacity of a business eligible for a tax exemption-incentive and which results in the creation of new employment.

GOVERNING BODY. The legally constituted City Council of the City of Burlington, Kansas.

MANUFACTURING ARTICLES OR COMMERCE. A business engaged in the mechanical or chemical transformation of materials or substances into new products, as defined in the *Standard Industrial Classification Manual*.

RESEARCH AND DEVELOPMENT. The application of science or technology to the improvement of either the process of manufacturing or manufactured products or both.

STORING GOODS OR COMMODITIES WHICH ARE SOLD OR TRADED IN INTERSTATE COMMERCE. Refers to the business of storing property which may be exempt from ad valorem taxation under the provisions of K.S.A. 79-201f.

TANGIBLE PERSONAL PROPERTY. Machinery and equipment used during the term of the tax exemption, which may be granted.
(Ord. 727, adopted 11-2-2004)

AND SERVICES.

The city shall award to the lowest and/or best bidder from within the city, when the amount of such bid does not exceed the amount of the bid of the lowest and/or best bidder from outside the city limits, by more than 5% of the amount thereof.

(Res. 2006-03, passed 1-18-2006)

' 1-905 CITY SALES TAX.

(a) The City of Burlington Sales Tax (current in 2016) is 2%.

(1) A majority of the electors voting thereon having approved, at the 2008 General Election held on November 4, 2008, the levying of a retailers= sales tax in the city for the purpose of street and utility infrastructure, with general revenue to be divided equally between the street improvements and utility improvements; as authorized by K.S.A. 12-187 et seq., and amendments thereto, there is hereby levied a city retailers= sales tax in the amount of 1% to take effect on April 1, 2009.

(2) A majority of the electors voting thereon having approved, at the primary election held on August 3, 2004. the levying of a retailers= sales tax in the city for the purpose of general operations of city administration, law enforcement, public safety, Street Department and Park Department, as authorized by K.S.A. 12-187 et seq., and amendments thereto, there is hereby levied a city retailers= sales tax in the amount of 1% to take effect on January 1, 2005.

(3) Except as 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. 724, adopted 8-18-2004; Ord. 777, adopted 11-19-2008)

' 1-906 CREDIT CARD POLICIES AND PROCEDURES.

(a) *Purpose and intent.* It is the purpose of this policy to establish guidelines for employees= use of the city=s credit card.

(b) *Use of the credit card.*

(1) The city=s issued credit card works like a personal credit card, except that all charges are paid in full by the city. It is to be used only for the purchase of goods and services in support of city business, when no other means of purchasing goods or services is available. The credit card may also be used for hotels, meals and other allowable charges incurred when an employee is on official city business.

(2) Credit cardholders shall be limited to the City Clerk and City Department Superintendents.

(3) Cardholders shall always treat the credit card with at least the same level of care as one does one's personal credit cards. The credit card shall be maintained in a secure location and the card account number shall be carefully guarded.

(c) *Training.* At the cardholder training, each new cardholder will receive the City Credit Card Policy and Procedures which guides credit card use and the procedural elements of the program. A credit card will not be distributed until the cardholder signs the city's credit card usage agreement.

(d) *Purchasing with the credit card.* The credit card may be used to purchase goods or services in person at the point of sale, over the telephone or over the internet. When using the credit card over the internet, the cardholder shall ensure the site is secure.

(1) *Cardholder's duties.* The cardholder shall:

(A) Ensure the credit card is used only for legitimate city business purposes;

(B) Obtain proof of purchase transaction and sign each item:

(i) *In-person purchases.* Obtain sales slips and register receipts;

(ii) *Telephone purchases.* Record the purchase and request an email verifying the purchases information; and

(iii) *Online purchases.* Print the purchase order and any other information pertaining to the purchase (emails and the like).

(C) Avoid cash transactions, such as accepting cash in lieu of a credit to the credit card account or using the card to obtain a cash advance. All refunds/returns shall be credited back to the credit card;

(D) Sign all sales slips and receipts;

(E) Submit all signed documentation of purchases (sales slips, receipts, purchase orders, emails and the like) to the City Clerk or Deputy City Clerk as soon as reasonably possible after the purchase is complete; and

(F) Credit card shall be returned to City Clerk (or appropriate supervisor) as follows:

(1) If provided for one-time use, as soon as reasonably possible after the purchase;
and

(2) If credit card usage agreement has been signed, card must be returned upon request or upon termination of employment.

(2) *Sales tax.*

(A) With the exception of the Electric Department and electric power plant, the city is a tax-exempt entity. Prior to making a qualified tax exempt purchase, the credit cardholder shall request a tax exempt entity exemption certificate from the City Clerk or Deputy City Clerk and provide the vendor with the certificate. Before completing the transaction and signing the sales receipt, the cardholder shall verify no sales tax has been charged.

(B) When using the credit card for Electric Department and power plant purchases of any kind, the cardholder shall be sure the transaction includes the sales tax.

(e) *Lost or stolen credit card.* The cardholder shall report any lost or stolen credit card immediately to the City Clerk or Deputy City Clerk.

(f) *Credits for refunds and the like.* The cardholder shall not accept any cash transactions and shall ensure all refunds or credits for any purchase or transaction are credited back to the credit card by the vendor. Under no circumstances shall any employee accept cash in lieu of a credit to the city=s credit card account.

(g) *Misuse or fraudulent use of credit card.* The cardholder shall not misuse or commit fraudulent use of the city=s credit card.

(1) (A) The term **MISUSE OR ABUSE** shall mean the use of the credit card outside of the employee=s authorized parameters.

(B) Misuse or abuse of the card includes, but is not limited to:

(i) Using the card for personal or unauthorized purposes;

(ii) Using the card to obtain a cash advance or cash in lieu of a credit to the credit card account;

(iii) Using the card to purchase alcoholic beverages or any substance, material or service which violates policy, law or regulation pertaining to the city;

(iv) Failing to provide the City Clerk or Deputy City Clerk with required receipts;

(v) Failing to provide any requested information about a specific purchase; and

(vi) Not adhering to all the city credit card policy and procedures.

(2) (A) The term **FRAUDULENT USE** shall mean the use of a city credit card with deliberately planned purpose and intent to deceive and thereby gain a wrongful advantage for oneself or

anyone other than the city.

(B) Depending on the severity of the violation(s), an employee may be subject to any of the following actions:

- (i) Immediate suspension of credit card privileges;
 - (ii) Removal of the cardholder=s purchasing authority;
 - (iii) Require employee reimbursement to the city for any unauthorized purchases;
- and/or
- (iv) Formal disciplinary action which may result in the termination of employment.

(C) The city may, at its discretion, pursue criminal and/or civil prosecution.

(h) *Documentation of credit card transactions.* The cardholder is responsible for maintaining adequate documentation to verify and explain all credit card transactions.

(1) To facilitate reconciliation and approval of statements, it is essential that cardholders obtain and retain vendor documentation for all purchases, including:

- (A) Itemized vendor sales receipts;
- (B) Itemized packing slips or shipping orders; and
- (C) Credit card charge slips with item descriptions.

(2) Each month, the City Clerk will receive a consolidated billing statement which lists charges made during the previous billing cycle. Upon receiving the statement, it is essential the City Clerk or Deputy City Clerk perform the following:

(A) Review the statement and compare the back-up documentation (receipts, packing slips, charge slips and the like) to the transactions listed on the statement; and

(B) Reconcile each and every transaction on the statement to assure it is correctly listed and that adequate documentation for each transaction is attached to the statement.

(i) *Credit card usage agreement.*

Credit Card Usage Agreement

By signing this document I acknowledge receipt of the city=s credit card policies and procedures, and

confirm I have read and understand the terms and conditions herein.

I understand the credit card is the property of City of Burlington; and I will use the card for city-authorized purchases only. It is not for personal use.

I agree to promptly submit to the City Clerk all receipts, invoices and documentation for purchases made with the credit card.

I understand every amount billed to the credit card is considered a matter of public record; and consequently, may be disclosed to the public, the news media and/or other requesting parties.

I will promptly surrender the credit card upon request or upon termination of employment, regardless of the reason.

I understand I cannot use the credit card as a financial reference to obtain personal credit, credit cards or loans.

I understand I will be making financial commitments on behalf of City of Burlington and will obtain fair and reasonable prices when making purchases.

I will ensure the credit card is in my possession or secured at all times to prevent theft of the card and consequential fraudulent charges.

I understand if my card is lost or stolen, it is my responsibility to immediately report it to the City Clerk.

I further understand that misuse of the city=s credit card or violation of any applicable policy or procedure may result in revocation of credit card use privileges and/or disciplinary action, up to and including termination of employment. The city may, at its discretion, pursue criminal and/or civil prosecution.

In the event that I engage in any non-allowable or personal purchases, I agree to repay the full amount within thirty (30) days. If I fail to repay the unauthorized transaction, the city is authorized to withhold the full amount from any payment(s) due to me, including payroll checks.

I have read the above agreement and I understand the conditions of this agreement.

Employee=s Name (Printed)

Signature

Date

Employee=s Title