

CHAPTER 1. ADMINISTRATION

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1. GENERAL PROVISIONS

- 1-101 **CODE DESIGNATED.** The chapters, articles and sections herein shall constitute and be designated as “The Code of the City of Cimarron, Kansas,” and may be so cited. The code may also be cited as the “Cimarron City Code.” (Code 1986)
- 1-102 **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:
- (a) City shall mean the City of Cimarron, Kansas.
 - (b) Code shall mean the Code of the City of Cimarron, Kansas.
 - (c) Computation of time within which an act is to be done shall exclude the first day and include the last day. If the last day be a Saturday, Sunday or legal holiday, that day shall be excluded.
 - (d) 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.
 - (e) Governing Body means the mayor and councilmembers or those persons appointed to fill a vacancy in the office of mayor or the council as provided in article 2 of this chapter.
 - (f) County means the County of Gray in the State of Kansas.
 - (g) Gender. Words importing the masculine gender include the feminine and neuter.
 - (h) In the city shall mean and include all territory over which the city now has or shall hereafter acquire jurisdiction for the exercise of its police or other regulatory powers.
 - (i) Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority of a majority of such persons or officers.
 - (j) Month shall mean a calendar month.
 - (k) Number. Words used in the singular include the plural and words used in the plural include the singular.

- (l) 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 swear is equivalent to the word affirm.
- (m) Officers, department, etc. Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the city.
- (n) 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 in part of such building or land.
- (o) Person includes a firm, partnership, association of persons, corporations, organization or any other group acting as a unit, as well as an individual.
- (p) Property includes real, personal and mixed property.
- (q) Shall, may. Shall is mandatory and may is permissive.
- (r) Sidewalk means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- (s) Street means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.
- (t) 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.
- (u) Tense. Words used in the past or present tense include the future as well as the past and present.
- (v) Writing or written shall include printing, engraving, lithography and any other mode or representing words and letters, except those cases where the written signature or the mark of any person is required by law.
- (w) Year means a calendar year, except where otherwise provided, (Code 1986)

1-103. EXISTING ORDINANCES. The provisions appearing in this code, so far as they are in substance the same as those ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments. (Code 1986)

1-104. EFFECT OF REPEAL. The repeal of an ordinance shall not revive an ordinance previously repealed, now shall such repeal affect any right which 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. (Code 1896)

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 titled, 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. (Code 1986)

1-106. PARENTHETICAL AND REFERENCE MATTER. The matter in parentheses at the end of sections is for information only 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 parentheses is for information only and is not a part of this code. (Code 1986)

- 1-107. **AMENDMENTS; REPEAL.** Any portion of this code may be amended by specific reference to the section number as follows: “Section _____ of the Code of the City of Cimarron is hereby amended to read as follows: (the new provisions shall then be set out in full.)”

A new section not existing in the code may be added as follows: “The code of the City of Cimarron is hereby amended by adding a section (or article or chapter) which reads as follows: (The new provisions shall then be set out in full.”

All sections, or articles or chapters to be repealed shall be repealed by specific reference as follows: “Section (or article or chapter) _____ of the Code of the City of Cimarron is hereby repealed.” (K.S.A. 12-3004; Code 1986)

- 1-108. **POWERS GENERALLY.** All powers exercised by cities of the third class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to such limitations as prescribed by law. (Code 1986)
- 1-109. **CITY RECORDS.** The city clerk or any other officer or employee having custody of city records and documents shall maintain such records and documents in accordance with K.S.A. 12-120, inclusive, which statutes are incorporated herein by reference as if set out in full. (Code 1986)
- 1-110. **ALTERING CODE.** It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the laws of the City of Cimarron to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this code authorized by ordinance passed by the governing body. (Code 1986)
- 1-111. **SCOPE OF APPLICATION.** Any person convicted of doing any of the acts or thins 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 guilty of a misdemeanor and punished in accordance with section 1-112. Each day any violation of this code continues shall constitute a separate offense. (Code 1986)
- 1-112. **GENERAL PENALTY.** Any person convicted of a violation of any of the provisions of or failing to comply with any of the mandatory requirements of the laws of the City of Cimarron for which another penalty is not specifically provided is guilty of a public offense and punishable by a fine of not more than \$500 or by imprisonment not to exceed two months, or by both such fine and imprisonment. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provi-

sion of the laws of the City of Cimarron is committed, continue or permitted by any person; and shall be punished accordingly. (Code 1986)

1-113. SEVERABILITY. If for any reason any chapter, article, section, subsection, sentence, clause or phrase of this code or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this code. (Code 1986)

ARTICLE 2. GOVERNING BODY

GOVERNING BODY. The governing body of the city shall consist of the mayor and five councilmembers to be elected as set out in section 6-101 of this code. (Code 1986)

VACANCIES. If any person elected to the office of councilman does not qualify within the required time, he shall be deemed to have refused to accept the office and a vacancy shall exist and the mayor shall appoint, with the consent of a majority of the councilmen, a suitable elector of the city to fill the vacancy for the term to which the refusing person was elected. In case of a vacancy in the office of councilman occurring by reason of resignation, death, removal from the city, removal from office, or becoming mayor by reason of being president of the council when a vacancy occurs in the office of mayor, the mayor shall appoint with the consent of a majority of the remaining councilmen, some suitable elector of the city to fill the vacancy until the expiration of the term of such office. In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office, removal from the city, or refusal to qualify or failure to qualify, the president of the council, or in the case of the mayor-elect's refusal or failure to qualify, the new president of the council, shall become mayor until the expiration of the term, and a vacancy shall occur in the office of the councilman becoming mayor. (C.O. No. 4, Sec. 2)

MEETINGS. (a) Regular meetings of the governing body shall be held on the first Monday of the month at 7:30 p.m. In the event the regular meeting day shall be a legal holiday, the governing body shall meet on the next Monday or on an alternative date as determined by the council.

(b) Special meetings may be called by the mayor at any time upon written request of three members of the council. The request shall state the matters to be discussed at such special meeting and no other matters may be considered at such meeting. (K.S.A. 15-106; Code 1986)

QUORUM. At all meetings of the governing body, a majority of the councilmembers elect shall constitute a quorum to do business. (K.S.A. 15-106; Code 1986)

POWERS OF THE MAYOR. 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. The mayor shall:

Have the superintending control of all officers and affairs of the city;
Take care that the ordinances of the city are complied with;
Sign the commissions and appointments of all officers elected or appointed;
Endorse the approval of the governing body on all official bonds;
From time to time communicate to the city council such information and recommend such measures as he or she may deem advisable;
Have the power to approve or veto any ordinance as the laws of the state shall prescribe;
Sign all orders and drafts drawn upon the city treasurer for money, (K.S.A. 15-301: 305: Code 1986)

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 meeting 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 the mayor, shall have the same privileges as other councilmembers but shall exercise no veto. (K.S.A. 13-310:311; Code 1986)

1-207. **COMPENSATION, EXPENSES.** Each member of the council and the mayor shall receive for his or her services and as reimbursement for his or her expenses, compensation as follows:

- a) The compensation of the mayor and each council member of the city shall be \$500 per month, to include up to three (3) meetings or work sessions per month. Additional meetings will be compensated at \$100.00 per meeting.
- b) The mayor and each council member shall be entitled to compensation of \$15 per hour with a minimum of \$30.00 for attendance at each hearing, official committee meeting, or special projects properly called or convened in the furtherance of the city’s business.
- c) A per diem of \$110 per day will be provided for training sessions, schools, conferences or performance of duties assigned beyond a 75-mile radius. For training sessions within a 75-mile radius, reasonable actual expenses shall be reimbursed, provided such expenses are documented by proper receipts. If a city vehicle is unavailable, actual mileage will also be reimbursed at the current Internal Revenue Service mileage reimbursement rate. In the case of a conference block motel rate being in excess of the per diem rate, the city council may approve a higher per diem in advance on a case by case basis.

(Ordinance 957, 4/02/2007)

ARTICLE 3. OFFICERS AND EMPLOYEES

APPOINTMENT. (a) At the first regular meeting in May of each year the mayor, by and with the consent of the council, may appoint a city clerk and city treasurer, and may

appoint a city attorney, municipal judge, city superintendent, city engineer and such other officers as may be deemed necessary for the best interest of the city. All such appointments shall be entered on the journal of proceedings of the council. The duties and salaries of all appointed officers shall be fixed by ordinance.

The determination and selection of a chief of police or policeman in the city shall be by a majority vote of the councilmembers after a motion and second of that body. (K.S.A. 15-204; C.O. No. 5, Sec. 3; Code 1986)

EMPLOYEES. The mayor shall have authority to hire all other employees, or such authority may be delegated to the respective department heads. (Code 1986)

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

VACANCY IN OFFICE. Whenever a vacancy occurs in any appointive office for whatever reason, the vacancy shall be filled by the governing body. Any person appointed to fill such vacancy shall serve only until the next regular time for appointment. (K.S.A. 15-209; Code 1986)

CITY CLERK. The city clerk shall:

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

(Code 1986)

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.
- (e) Keep a record of all special assessments.

(Code 1986)

SAME; SEAL; OATHS. The city clerk shall:

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

- (b) Have power to administer oaths for all purposes pertaining to the business and affairs of the city;
 - (c) Keep suitable files of all such oaths required to be deposited in his or her office.
- (Code 1986)

SAME; WITHHOLDING AGENTS. The city clerk is designated as the withholding agent of the city for the purpose 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 of the Kansas statutes. (Code 1986)

1-309. CITY TREASURER. The city treasurer shall:

- (a) Keep a full and accurate record;
 - (b) Publish a quarterly financial statement;
 - (c) Deposit all public moneys and sign all checks of the city;
 - (d) Pay out the funds of the city upon warrant and checks properly signed by the mayor and city clerk;
 - (e) Perform such other duties as may be prescribed by the governing body or the Kansas statutes.
- (K.S.A. 10-803; K.S.A. 12-1608; Code 1986)

1-310. CITY ATTORNEY. The city attorney shall:

- (a) Attend meetings of the city council;
- (b) Advise the city council 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 city council, give opinions in writing upon any such questions;
- (d) Draft such ordinances, contract, 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 or the city as to form and legality;
- (f) Attend planning commission meetings;
- (g) Perform such other duties as may be prescribed by the governing body and the Kansas Statutes.

(Code 1986)

1-311. OATH. All officers and employees of the city, whether elected or appointed, either under the laws of the State of Kansas or ordinances of the city, shall before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter name of office or position), so help me God." (K.S.A. 75-4308; Code 1986)

1-312. OATHS FILES. All officers and employees shall be supplied the forms for the oath at the expense of the city and upon taking and subscribing or signing such oath or affirmation, the same shall be filed with the city clerk. (Code 1986)

1-313. BONDS REQUIRED. The following city officers shall each, before entering upon the duties of his or her office, give a good and sufficient surety company bond to the city. The bond shall be in the following amount, to wit:

- (a) City treasurer - \$10,000;
- (b) City clerk - \$10,000;
- (c) Clerk municipal court - \$1,000;
- (d) Judge of municipal court - \$1,000.

(Code 1986)

1-313. CONDITION OF BONDS. Each of the bonds required in section 1-313 shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and the ordinances of the city, and for the application and payment over to the property persons of all moneys or property coming into the hands of each such officer by virtue of his or her office. (Code 1986)

1-314. 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 of Kansas. (Code 1986)

ARTICLE 4. INVESTMENT OF IDLE FUNDS

1-401. PURPOSE AND GOALS. It is the purpose of this statement to set forth the public policies of the city relating to the investment of public moneys, and establish procedural requirements as to investment management practices. The objective of the investment policy and program of the city shall be as follows:

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

(Code 1986)

1-402. INVESTMENT OF IDLE FUNDS. Temporarily idle moneys of the city not currently needed, may in accordance with the procedure hereafter described be invested in:

- (a) Temporary notes of the city;
- (b) Time deposits, open account or certificates of deposit in commercial banks or trust companies which have their home office located in the city. If no commercial bank or trust company has a home office located in the city, then in a commercial bank or

trust company with its home office located in Gray County, or in the counties of the State of Kansas adjacent to Gray County, or in the counties of the State of Kansas adjacent to Gray County, as provided for, and subject to the restrictions of, K.S.A. 12-1675;

- (c) Time certificates of deposit with savings and loan associations which have home offices located in the city;
- (d) Repurchase agreements with commercial banks, trust companies, or savings and loan associations with a home office located in the city, for direct obligations of, or obligations that are insured by, the United States government or any agency thereof. If no commercial bank, trust company, or savings and loan association has a home office in the city, then in any commercial bank, trust company, or savings and loan association with a home office located in Gray County. If no such commercial bank, trust company, or savings and loan association will enter into such an agreement at or above the interest rate set out by K.S.A. 12-1675(b)(4), then such repurchase agreements may be entered into with commercial banks, trust companies, or savings and loan associations which have home offices located in the State of Kansas;
- (e) United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding six months. Investments may be made in U.S. treasury bills or notes only if no eligible bank, trust company, or savings and loan association can or will make the investments authorized in subsections (b) and (c) at interest rates equal to or greater than the average yield before taxes received on 91-day U.S. treasury bills or the maximum rates such banks, trust companies or savings and loan associations may pay on investments authorized under subsection (b) and (c), whichever is lower.

(K.S.A. 12-1675; Code 1986)

- 1-403. **PROCEDURES AND RESTRICTIONS.** The city clerk shall periodically report to the governing body as to the amount of monies available for investment and the period of time such amounts will be available for investment. 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. (Code 1986)
- 1-404. **CUSTODY AND SAFEKEEPING.** Securities purchased pursuant to this article shall be under the care of the city clerk and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officer 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 said city officer. 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 the mayor and the city clerk. (Code 1986)
- 1-405. **SALE OR TRANSFER.** If, in order to maintain sufficient monies on demand deposit in any fund as provided in section 1-403, it becomes necessary to transfer or sell any securi-

ties of such funds, the officers specified in section 1-404 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. (Code 1986)

1-406. INTEREST ON TIME DEPOSITS. The city clerk shall deposit the interest earned on invested idle funds to the general fund, unless otherwise provided by law. (Code 1986)

Ref. See K.S.A. 12-1675, and amendments thereto.

Ord. 923 – 02/02/04:

AN ORDINANCE CREATING A CAPITAL IMPROVEMENTS FUND FOR THE CITY OF CIMARRON, KANSAS.

WHEREAS, the Governing Body of the City of Cimarron has determined that it is in the best interest of the City to establish a capital improvements fund,

BE IT THEREFORE ORDAINED THAT the following is hereby enacted into law:

1. Establishment of Fund. In accordance with the provisions of K.S.A.12-1,118, there is hereby established a capital improvements fund, which shall be used by the City to finance, in whole or in part, any public improvement need set forth in the City's capital improvement plan.
2. Policy Objective. It is the policy objective of the Governing Body that such fund shall be used primarily to provide a financing mechanism for the repair, restoration, and rehabilitation of existing public facilities. Further, it is the intent of the Governing Body to utilize current revenues to be credited to the fund to the maximum extent possible to meet the City's present and future public infrastructure needs and to avoid the costs of unnecessary indebtedness.
3. Use for Studies. Monies in such fund may be used to pay the cost of engineering and other advanced public improvement plans and studies, with the fund periodically reimbursed from bond proceeds, special assessments or state or federal aid that may be available for the completed project.
 - a. Restriction. No expenditures for the purposes set forth in this section shall be made except on a finding of the Government Body of its probable intent to proceed with the improvement following any such engineering or advanced study.
4. Plan of Operation. The City Clerk and the City Superintendent shall be jointly responsible for submitting to the Governing Body a plan of operation for the improvement of this ordinance. Such plan shall provide that the annual, revised and adopted capital improvements plan of the City identify those improvements to be financed from the fund during the following year.

- a. Proposed allocations and transfers. The City Clerk shall annually submit, at the same time and as part of the annual operating budget, such proposed revenue allocations and as a part of the annual operating budget, such proposed revenue allocations and budget transfers as may be necessary (1) to finance those improvements scheduled for completion within the succeeding year, the cost of which is to be credited to the fund, as provided by the capital improvements plan, and (2) to set aside monies to be annually reserved for future improvements as provided in the capital improvements plan.
5. Investing. Monies in the capital improvements fund shall be invested in accordance with the provisions of K.S.A. 10-131 and amendments thereto, with interest thereon credited to such fund.

Ord. 924 – 02/02/04:

AN ORDINANCE CREATING A MUNICIPAL EQUIPMENT RESERVE FUND FOR THE CITY OF CIMARRON, KANSAS.

WHEREAS, the Governing Body of the City of Cimarron has determined that it is in the best interest of the City to establish a municipal equipment reserve fund.

BE IT THEREFORE ORDAINED THAT the following is hereby enacted into law:

1. Establishment of Fund. In accordance with the provisions of K.S.A. 12-1,117, there is hereby established a municipal equipment reserve fund, which shall be used by the City to finance the acquisition of equipment necessary for the performance of various functions and services of the City. For the purposes of this ordinance, the term “equipment” shall mean machinery, vehicles, and other equipment or personal property which has an estimated future purchase or replacement cost in excess of \$5,000 and a useful life expectancy of not less than three years.
2. Policy Objective. It is the policy of the Governing Body that such fund shall be used primarily to provide a financing mechanism to secure the planned and orderly acquisition and replacement of equipment necessary for the efficient and effective operation of the City. It is the further intent of the Governing Body to annually approve in the future the budgeting of current revenues sufficient to:
 - a. Equipment needed in immediately succeeding fiscal year. Finance the acquisition of new equipment needed in the immediately succeeding fiscal year; and
 - b. Reserve for future replacement and acquisitions. Finance needed future replacements and acquisitions by setting aside a reserve amount.
3. Plan of Operation. The City Clerk and the City Superintendent shall be jointly responsible for submitting to the Governing Body a plan of operation for the implementation of this ordinance and for the achievement of the policy objectives of the Governing Body.

- a. Proposed allocations and transfers. The City Clerk shall annually submit, at the same time the proposed annual budget is submitted, a proposed equipment acquisition program for each of the succeeding three years. The proposed budget shall include an amount sufficient to finance proposed equipment acquisitions for the immediately succeeding year, plus an amount to be reserved as set forth in the annually revised and extended equipment and acquisition program.
4. Investing. Monies in the municipal equipment reserve fund shall be invested in accordance with the provisions of K.S.A. 10-131 and amendments thereto, with interest thereon credit to such fund.

ARTICLE 5. PERSONNEL AND EMPLOYEE BENEFITS

- 1-501. **PERSONNEL RULES AND REGULATIONS.** The rules and regulations for the employees of the city are established by the department head and by the city council. The policy provisions and rules and regulations are kept in a loose-leaf manual entitled "Personnel Policy for the City of Cimarron." The policy is open to inspection and available to the public at all reasonable hours. The policy set forth therein are not terms of an employment contract and are subject to change from time to time without notification to the employees. Neither does the employee personnel policy manual contain all of the information needed by employees during the course of their employment. Employees are expected to follow the instructions of their immediate supervisors, department heads, and the council as they may change from time to time. The city is committed to reviewing its policies and benefits continually. The policies and benefits outlined in the policy handbook are subject to review and change at any time. (Code 1986)
- 1-502. **EMPLOYEE BENEFITS CONTRIBUTION FUND.** (a) The city, in accordance with the provisions of K.S.A. 12-16,102 does hereby establish an employee benefits contribution fund for the purpose of paying the city's share of employee benefits prescribed by subsection (b) below.
- (b) The city's share of the cost of employee benefits authorized for payment from the fund created by subsection (a) shall include the following:
- (1) Social Security (FICA);
 - (2) Kansas Public Employees Retirement System (KPERS);
 - (3) Workmen's Compensation Benefits;
 - (4) Employment Security, Unemployment Compensation Benefits;
- (c) Any remaining balances in the Social Security, Kansas Public Employees Retirement System, Workmen's Compensation Benefits and Employment Security, Unemployment Compensation Benefits funds on January 3, 1983 shall be transferred into the Employee's Benefit Fund.
- (Ord. 796, Sec. 1:3)

Ord. 849 – 07/02/90:

AN ORDINANCE ESTABLISHING AN EMPLOYEE BENEFITS CONTRIBUTION FUND FOR THE CITY OF CIMARRON, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CIMARRON, KANSAS:

Section 1. The City of Cimarron, in accordance with the provisions of K.S.A. 12-16,102, as amended, does hereby establish an employee benefits contribution fund for the purpose of paying the City's share of employee benefits prescribed by Section 2 of this ordinance.

Section 2. The cost of employee benefits authorized for payment from the fund created by Section 1 of this ordinance shall include the following: Employer contributions for social security, workers compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pension programs.

Section 3. Resolution 159, previously adopted to establish an employee benefits fund, is hereby repealed.

- 1-503. **INSURANCE COVERAGE.** The city is hereby authorized and powered to provide group, health, accident and medical hospitalization or life insurance for the benefits of its officers and employees and to pay all of the cost of such group insurance out of the appropriate funds from which salaries and compensation of its officers and employees are paid. (Ord. 666, Sec. 1)
- 1-504. **EMPLOYEE TERMINATION.** The city understands that employees have the right to terminate employment at any time and the city reserves its right under the laws of the State of Kansas to terminate employment at any time. The city adheres to the policy of at-will employment. (Code 1986)

ARTICLE 6. OPEN RECORDS

- 1-601. **POLICY.** (a) It is hereby declared to be the policy of Cimarron 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 Kansas 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. (Code 1986)
- 1-602. **RECORD CUSTODIANS.** The record custodian(s) appointed and designated pursuant to this article shall preserve and protect all public records from damage, disorganization

and theft and shall assist, in a timely and efficient manner, any person making request for access to any open public record. (Code 1986)

- 1-603. 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 any open public record. (Code 1986)
- 1-604. 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 recordkeeper 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. (Code 1986)
- 1-605. 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. (Code 1986)
- 1-606. APPOINTMENT OF OFFICIAL CUSTODIANS. The following city officers are hereby appointed as official custodians for purposes of the Kansas 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) Fire Chief - All public records not on file in the office of the city clerk and kept and maintained in the city fire department.
 - (e) 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.
- (Code 1986)
- 1-607. DESIGNATION OF ADDITIONAL RECORD CUSTODIANS. (a) Each of the official custodians appointed in section 1-606 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 Kansas 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.

(Code 1986)

1-608. DUTIES OF CUSTODIANS. All city officers and employees appointed or designated 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; insure 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. (Code 1986)

1-609. 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 Kansas 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.

(Code 1986)

1-610. 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 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. (Code 1986)

1-611. INSPECTION FEE. A record inspection fee shall be charged at the rate of \$5 per hour per employee engaged in the record search. (Code 1986)

1-612. COPYING FEE. (a) A fee of 25 cents 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.

(c) All accident reports from police records shall be \$3.50.

(Code 1986)

1-613. 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 copy-

- ing 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 \$5.
 - (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.
- (Code 1986)

1-614. 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 purpose of billing and payment, with the city. All fees received shall be paid to the city treasurer whenever the amount of fees collected totals \$5, but not less than monthly.

(Code 1986)