

ITEM:	Receive workshop presentation on De Soto’s Governmental Structure
MEETING DATE:	September 1, 2016
TO:	City of De Soto Mayor and Council
FROM:	Mike Brungardt, P.E., City Administrator
CC:	City Staff via Electronic Packet Distribution
Exhibits:	Exhibit A: Power Point Presentation on Governmental Structure Exhibit B: “Form of Government” Outline Exhibit C: Governing Body Manual - 2014

Summary: The topic of the first workshop in our visioning process is “Governmental Structure”. We will discuss the format of De Soto’s Council / Mayor form of government and the roles and responsibilities of the Governing Body and the City’s various appointed boards and committees.

The intent of this workshop is to discuss the form, function, and rolls of the various boards and advisory groups connected to the City. This will involve a legal background on our form of government, a review of the administrative portions of the City Code, and a discussion about how the various advisory boards and City Staff work together to provide public services and direct the orderly function of the City.

Attached as **Exhibit A** is a Power Point presentation what will guide our discussion.

Some of the information we will be covering is explained in more detail in the “Form of Government” document attached as **Exhibit B**.

Exhibit C is a document entitled “Governing Body Manual” that was provided to the Council in 2014, and is a very helpful and informative document. It is tailored specifically to De Soto and outlines the roles and responsibilities of Council members. The manual is a companion document to the “Governing Body Handbook”, produced by the League of Kansas Municipalities on a yearly basis. If you attend the LKM conference in October, you will be provided a 2016 handbook.

After or during the presentation, I would like to get feedback on any areas of concern or focus you would like to address. We will not have time to go into detail on any particular topic, but we need to identify issues and set a direction for visioning sessions that will occur later in the process.

**End of Memo
Exhibits to follow.**



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CITY COUNCIL VISIONING Workshop #1 Governmental Structure

SEPTEMBER 1, 2016



Overview

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1. Form of Government
2. Home Rule Authority
3. City Classification
4. Duties of Office
 - a. Council
 - b. Mayor
5. Officers & Employees
 - a. City Administrator
 - b. City Clerk
 - c. City Attorney
 - d. City Prosecutor
 - e. City Engineer
 - f. City Staff
6. Roles of Boards and Advisory Groups:
 - a. Planning Commission
 - b. Board of Zoning Appeals
 - c. Chamber
 - d. Economic Development Council
 - e. Park Board
 - f. Fire Board

 **Form of Government**

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De Soto operates under the Mayor-Council form of government (the most common form of municipal government in Kansas – 559 of 627 cities).

- Original State statutes contemplated that the mayor had managerial control or “superintending” control over all aspects of the city.
- Over time, duties historically vested in the Mayor have been placed upon city administrators. This is why you will see references to a “Mayor-Council-Administrator” form of government
- The De Soto City Code specifically states that the city administrator supervises the day-to-day operations of the city, and is responsible for the hiring and the continued employment of all city employees.
- Governing Body members are leaders and policy makers elected to represent the City as a whole by concentrating on policy issues that are responsive to citizens’ needs and wishes.

 **Form of Government**

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Home Rule

- All cities in Kansas have home rule powers, the ability to govern themselves without direct involvement from the state.
- Cities exercise their home rule powers through the passage of an ordinary ordinance or a charter ordinance.
- Cities must comply with state laws that apply uniformly to all cities and must conform to applicable federal laws and to the U.S. Constitution and the Kansas Constitution.
- In exercising home rule powers, cities may legislate on any subject other than those reserved to the exclusive jurisdiction of the legislature by the Home Rule Amendment itself.



Form of Government

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City Classification

- On October 15, 2007, the Kansas Governor officially declared De Soto a City of the Second Class based on its population exceeding 5,000 inhabitants.
- Normally a City of the Second Class is divided into Wards, and each Ward is represented by a specified member of the City Council. The De Soto Governing Body decided it was best that Council members continue to be elected at large. Consequently, the City chartered out of the statutory provisions related to dividing the City into Wards.



Duties of Office

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City Council:

"City councils are the legislators of a municipality who are democratically elected to decide which services will be provided and how to pay for them" – National League of Cities

1. In general terms, the role of the City Council is to decide on legislative issues and to set policy directives needed to carry out the goals and objectives of the community. *This means we need to establish goals and objectives.*
2. The council employs a professional administrator to carry out the policies it develops.
3. Conducts themselves in accordance with the City's Code of Ethics (Article 10 of the City Code)
4. Council Duties include the following:
 - Review and approve the annual budget;
 - Establish long- and short-term objectives and priorities;
 - Oversee effectiveness of programs;
 - Establish tax rates;
 - Enter into legal contracts;
 - Borrow funds;
 - Pass ordinances and resolutions;
 - Regulate land use through zoning laws;
 - Regulate business activity through licensing and regulations;
 - Communicate policies and programs to residents;
 - Respond to constituent needs and complaints; and
 - Represent the community to other levels of government.



Duties of Office

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Mayor:

According to Section 1-205 of Article 2 of the City Code, the Mayor's powers and duties include the following:

- Presides at all meetings of the governing body.
- Has the tie-breaking vote on all questions when the members present are equally divided.
- Has "superintending control" of all officers and affairs of the city;
- Takes care that the ordinances of the city are complied with;
- Signs the commissions and appointments of all officers elected or appointed;
- Endorses 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 treasury for money.



Officers & Employees

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City Administrator:

Specific duties defined in Employment Agreement.

Section 1-305 of the City Code outlines the following responsibilities:

- Supervise the day-to-day operations of the city, including the offices of the city clerk and city finance officer, and the department of public works.
- Responsible for the hiring and the continued employment of all city employees.
- All department heads shall make regular reports to the city administrator and shall be ready at all times to furnish him or her with such information as he or she may require.
- It shall be the general practice of the mayor and city council to issue all orders and directives to all city officers and departments and receive reports and communications therefrom through the office of the city administrator.
- At no time shall the duties and/or powers of the city administrator supersede any action by the governing body.

 **Officers & Employees**

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City Clerk:
Section 1-306 of the City Code outlines the following responsibilities for the city clerk:

- 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.
- Carry on all official correspondence of the city;
- Attend and keep a record of the proceedings of all regular and special meetings of the governing body;
- Enter every appointment of office and the date thereof in the journal;
- Enter or place each ordinance of the city in the ordinance books after its passage;
- Publish all ordinances, except those appropriating money, and such resolutions, notices and proclamations as may be required by law or ordinance.

 **Officers & Employees**

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City Attorney:
Section 1-310 of the City Code outlines the following responsibilities for the 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. The city attorney shall be charged with the general direction and supervision of the legal affairs of the city. The city attorney shall:

- Attend meetings of the city governing body when so directed to attend by the governing body;
- Advise the city 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;
- When requested, give opinions in writing upon any such questions;
- 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;
- Approve all ordinances of the city as to form and legality;
- Attend planning commission and board of zoning appeals meetings;
- Perform such other duties as may be prescribed by the governing body and the Kansas statutes.



Officers & Employees

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City Prosecutor:

Section 1-311 of the City Code outlines the following responsibilities for the city prosecutor:

There is hereby established the office of city prosecutor. No person shall be eligible for the office of city prosecutor who is not an attorney at law admitted to practice law in the State of Kansas. The city prosecutor shall:

- Attend meetings of the governing body when so directed to attend by the mayor or city attorney;
- Appear and prosecute all violations of city ordinances in municipal court;
- Perform such other duties as may be prescribed by the governing body and the Kansas statutes.
- The governing body may appoint a city prosecutor in accordance with section 1-301. In the event that there is no city prosecutor, the city attorney shall serve in such capacity.

City Engineer:

Section 1-312 of the City Code outlines the following responsibilities for the city engineer:

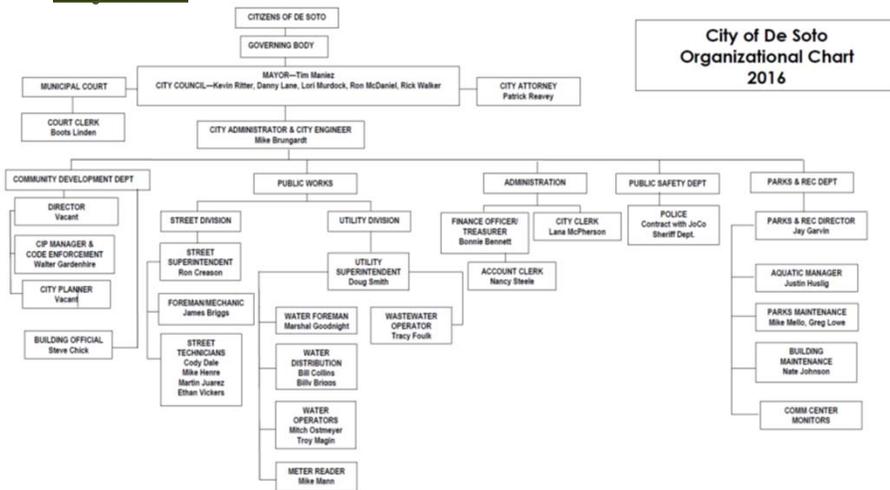
- The city engineer shall be a licensed professional engineer in the State of Kansas. He or she, at the direction of the city administrator, shall perform all duties regarding engineering services.



Officers & Employees

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City Staff:





Roles of Boards and Advisory Groups

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Planning Commission:

- Seven Members - Appointed by the Mayor.
- Five members reside inside the City Limits, two reside outside the City.
- Serves as an advisory board to the City Council.
- Gatekeepers of the Zoning and Subdivision Regulations - Focus is to ensure that new development meets the requirements of the City.
- Sometimes in conflict with Economic Development interests.
- Long-Range Planning – Responsible for the Comprehensive Plan

Member	Initial Appointment	Appointment Expires
Richard Hemphill* (Chair)	November, 2004	April, 2017
Ian McPherson	September, 2013	April, 2018
Marge Morse	September, 2013	April, 2018
Ramona Allenbrand*	August, 2010	April, 2016
Dennis Zwahlen	January, 2011	April, 2016
Bob Garrett	July, 2011	April 2016
Linda Lane	May, 2015	April 2017

* Commissioners residing outside the City.



Roles of Boards and Advisory Groups

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Board of Zoning Appeals:

- Five Members - Appointed by the Mayor to three year terms
- Serves as a quasi-judicial board to decide on:
 - Appeals: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Planning and Zoning Department in the enforcement of these regulations variance and appeal applications.
 - Variances: To authorize in specific cases a variance from the specific terms of the zoning regulations. Such variance shall not permit any use not permitted by the zoning regulations in such district.
- BZA decisions are final, and cannot be appealed to the City Council.

Member	Initial Appointment	Appointment Expires
Bill Sedgwick (Chair)	April, 2002	May, 2016
Richard Brazukas	April, 2007	May, 2015
Linda Lane	May, 2013	May, 2015
Doug Pickert	March, 2013	May, 2015
Steve Winslow	February, 2008	May, 2015



Roles of Boards and Advisory Groups

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Chamber:

- The De Soto Chamber of Commerce is a 501-c-6 not-for-profit membership-based business organization, consisting of five board members (elected annually) and an executive director.
- Their mission is to further the interests the members and the business community. Members pay dues on an annual basis to receive services and benefits of the Chamber.
- The Chamber also provides Tourism and Convention marketing for the community.

Members
Stephanie Swenson, President, Great Life Golf & Fitness
Julie Coover, Vice-President, American Family Insurance – Julie Coover Agency
Diane Redford, Secretary, Huhtamaki
Anton Topf, Treasurer, Topf Insurance Services
Mike Rogers, Past President, Mike's Liquor



Roles of Boards and Advisory Groups

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Economic Development Council:

- Under the umbrella of the Chamber is the De Soto Economic Development Council (EDC), a membership-based organization. The purpose of the EDC is to promote economic development through efforts that seek to improve the economic well-being and quality of life by creating and retaining jobs and supporting/growing the tax base.
- The EDC Board of Directors consists of five board positions which are elected annually. In addition to the Mayor, two members of the governing body are selected to serve as a voting member of the EDC board for a term of one year. The City Administrator is an ex-officio, non-voting member of the EDC.
- The EDC Board board shall develop and recommend to the governing body a long-range plan for the future economic development efforts and programs, work with city staff on recommendations on city incentive programs and provide assistance to businesses who seek a location or expansion in the city of De Soto.

Members	
Mike Rogers, Chairman, Mike's Liquor	Mayor Tim Maniez, City of De Soto
Adam Santa, Vice-Chair, Rehrig Pacific	Lori Murdock, De Soto City Council
Carol Lehman, Johnson County Community College	Rick Walker, De Soto City Council
Dante McGrew, Westar Energy	Mike Brungardt, City Administrator, Ex-Officio
John Olson, KBS Constructors	Sara Ritter, Executive Director, De Soto EDC



Roles of Boards and Advisory Groups

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Park Board: According to Section 12-301 of the City Code:

- Consists of seven members, appointed by the mayor with the approval of the city council. No Terms are specified.
- A member of the governing body should be selected to serve as a non-voting ex-officio member of the park board for a term of one year.
- Duties include review and study the operation, maintenance, improvements and expansion of all park land and recreation facilities in the city
- The park board shall develop and recommend to the governing body a long-range plan for the future development of city parks and other recreation facilities and participate in all discussions on modification of the park and recreation element of the city's comprehensive plan.

Members
Loya Beery
Belva Thrasher
Ron Crow
Larry Johnson



Roles of Boards and Advisory Groups

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Fire Board: Northwest Consolidated Fire District

- Formed in 2010, as a consolidation of the De Soto Fire District, and Johnson County Fire District #3.
- Five Member Board – 2 appointed by De Soto, 2 by Johnson County, One rotating every three years.
- District Personnel Includes 17 full-time, 18 part-time, and 12 volunteer firefighter/EMT's.
- NWCDFD covers an approximate area of 70 square miles from 3 staffed stations and has an average annual call volume of over 800 calls.

Board Member	City or County	Initial Appointment	Appointment Expires
Patrick Brown	County	2012	2016
Jay Lang	County	2010	2017
Doug Bedford	City	2016	2016
Bob Garrett	City	2012	2017
Walter McDaniel	City & County	2014	2018

Form of Government in De Soto

De Soto operates under the Mayor-Council form of government (the most common form of municipal government in Kansas – 559 of 627 cities). When statutes for this form of government were first enacted in 1871, they contemplated that the mayor had managerial control over all aspects of the city. Even today, statutes describing this form of government indicate that the mayor has “superintending control” over the affairs and officers of the city. This same language is repeated in the De Soto City Code. (*See* Chapter I, Article 2, Section 1-205). Over the years, though, these management duties -- historically vested in the Mayor -- have been placed upon city administrators. This is why you will see references to a “Mayor-Council-Administrator” form of government.

Increasingly, cities are establishing the office of city administrator, who is charged with functions historically performed by the mayor (e.g. administration of city affairs, supervision of the city’s personnel, and the day-to-day operation of the city). The De Soto City Code specifically states the following, in pertinent part, as to the city administrator’s duties:

Duties. In addition to the overall responsibility for all city employees and day to day operations of all functions of city government, and such additional duties or functions as directed by the governing body from time to time, the city administrator shall be specifically responsible to perform all duties as defined and set forth in the job description determined by the governing body and maintained in city hall. The city administrator shall supervise the day-to-day operations of the city, including the offices of the city clerk and city finance officer, and the department of public works. Except as herein provided and subject to the limitations imposed by any other ordinance of the city, the city administrator shall be responsible for the hiring and the continued employment of all city employees. All department heads shall make regular reports to the city administrator and shall be ready at all times to furnish him or her with such information as he or she may require.

(*See* Chapter I, Article 3, Section 1-305).

In the Mayor-Council form of government (with a city administrator in charge of the day to day operation of the city), Governing Body members are leaders and policy makers elected to represent the City as a whole by concentrating on policy issues that are responsive to citizens’ needs and wishes. The City Administrator is hired by the Governing Body to carry out policies, oversee City operations, and ensure that the entire City is being served. The Governing Body establishes goals and policies which the staff executes under the supervision of the City Administrator. All appointed officers of the City (e.g. City Attorney, City Engineer, Municipal Court Judge) are initially appointed to their position by the Mayor but, once appointed, they remain in their position as an at-will employee and can be removed at any time or for any reason (unless an Ordinance or written contract provides otherwise) upon a two-thirds vote of all members of the Governing Body.

Home Rule

All cities in Kansas have *home rule* powers, the ability to govern themselves without direct involvement from the state. Cities are not required to take any action to obtain home rule powers because they are conferred directly by the Kansas Constitution on all classes of cities. Cities exercise their home rule powers through the passage of an ordinary ordinance or a charter ordinance.

Home rule power is not absolute. Cities must comply with state laws that apply uniformly to all cities and must conform to applicable federal laws and to the U.S. Constitution and the Kansas Constitution. In exercising home rule powers, cities may legislate on any subject other than those reserved to the exclusive jurisdiction of the legislature by the Home Rule Amendment itself.

City Classification

Cities in Kansas are designated by class based on the size of their population. In general, there are no advantages or disadvantages to being one classification versus another. City classification is more or less an historical legacy of the state legislature pre-dating Home Rule authority, although it is still a general reference tool for City size.

On October 15, 2007, the Kansas Governor officially declared De Soto a City of the Second Class based on its population exceeding 5,000 inhabitants. While normally a City of the Second Class is divided into Wards, and each Ward is represented by a specified member of the City Council, the De Soto Governing Body decided it was best that Council members continue to be elected at large. Consequently, the City chartered out of the statutory provisions related to dividing the City into Wards.

Additional Related Information

Additional related information can be found in Chapter 1 of the [Governing Body Handbook](#), published by the League of Kansas Municipalities.

Role of Council Members 4

The principal job of the City Council is to establish the general policies under which the City operates. The Council performs this function by:

- Enacting ordinances, resolutions and policies;
- Establishing City fees and utility rates;
- Approving the Mayor's appointment of the [City Administrator](#), City Attorney, Municipal Judge, Prosecutor, members of various [boards and commissions](#), and vacant Council seats;
- Reviewing and approving the annual budget, setting the tax rate and approving the financing of City operations; and
- Authorizing contracts to be executed on behalf of the City.
- Monitoring city programs and services to ensure they are being accomplished in the best possible way.

It is important to recognize that it is not the role of the Council member to administer city affairs. The Council sets policy, but it is the City Administrator who actually sees that policies are implemented. The City Council gives direction to the City Administrator as a body in public meetings, not individually.

City Council members are elected to look after the interest of the entire City. Your effectiveness depends on you providing input as a representative the entire City, and your thinking and voting should be for the needs of the whole community.

Council members must work together to provide policy decisions that benefit the community as a whole and provide quality service to all of the City's residents. Once the Council makes a decision, it becomes the entire Council's decision, even if you were opposed to it. If you are asked about the issue and do not wish to defend it, simply explain why the Council made the decision it did.

Adopting Policy

The Council does not make policy in a vacuum. The Council relies on input and ideas from many sources, including staff, advisory boards, citizens groups and others. It is the Council's responsibility to consider the merits of each idea and then approve, modify or reject it. In doing so, Council members analyze community needs, program alternatives and available resources. The decision often takes the form of an ordinance or written resolution, although it may be in the form of a simple motion.

Responding to Citizen Complaints

Residents often contact a Council member when they have a problem. You may also be approached by a citizen, colleague, or even a friend or neighbor about City operations, issues or service problems. Many times they approach you because they aren't aware that contacting the City Administrator or City staff directly is appropriate. Help them understand this by acknowledging and redirecting them. You may say: "Yes, I can see why upset you. I apologize you had that experience. Have you shared this with the City Administrator?" or "I don't have an answer for you right now, but let me look into it and get back with you."

If you personally take on the citizen request, contact the City Administrator and he or she will direct the request to the appropriate department or staff person for resolution. Keep in mind that the City Administrator is in charge of directing staff and, despite the temptation or ease of you or the Governing Body resolving the request by giving direction to staff, it is important that the request first be vetted with the City Administrator since he or she is answerable to the Governing Body on the overall day to day operation of the City.

So, Who Actually Manages City Operations and Staff?

It is not the role of the Governing Body or any of its members to administer City affairs. The Governing Body sets policy. The City Administrator sees that policies are implemented. It is not the role of a Council member to supervise City employees on the job or become involved in day-to-day administration of City affairs. Except for general questions, contact with staff should be through the City Administrator.

Relationship with the City Attorney

The City Attorney's job is to provide legal advice and counsel to the City, which includes advising the entire Governing Body, staff, and boards and commissions. Ultimately, the City Attorney's client is the Governing Body and not any individual member of the Body. If you have been contacted by someone to appear as a witness in your capacity as a Council member or been served a legal notice in your capacity as a Council member, immediately contact the City Attorney.

While generally it is best to ask your questions of the City Administrator, who can answer most of them, you can contact the City Attorney directly if you think it appropriate. Remember, although he or she is on salary, the attorney's time is a City resource, so use it wisely. If there is a legal issue that you need an immediate response to, it is better to err on the safe side and call the attorney.

Personnel Management

The Governing Body determines the number of employees, approves the City's pay and compensation plan and approves the City's personnel policy. It also hires the City Administrator and approve that contract. All other personnel actions, unless specifically defined in the

Exhibit B

personnel policy, are the duty and responsibility of the City Administrator. He or she is responsible for the hiring, discipline, promotion, demotion and firing of all city employees.

The Mayor, with the approval of Council, appoints the Municipal Judge, although due to the independent nature of the judicial branch of government, little contact usually occurs between the Governing Body and the judge. In no circumstance should a Council member attempt to influence a decision of the judge in a case. Policy direction for the judge is often best vetted through the City Administrator.

GOVERNING BODY MANUAL



GOVERNING BODY MANUAL

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Introduction 1

This manual is designed for the Governing Body and is particularly helpful for newly-elected or appointed Council members. It contains information about the structure of our City government and the role of the elected officials in that structure. The primary focus centers on the Council meeting, which is where the formal role of the Council member is exercised. Use this manual to learn how to perform your role as a member of the City’s Governing Body.

This manual is to be used in conjunction with the *Governing Body Handbook*, published by the League of Kansas Municipalities and provided under separate cover. Information specific to Kansas Law is contained in that publication, as well as other useful information. Between these two documents, you will find the answers to most of your questions. If your questions cannot be found in these publications, contact the City Administrator who will get your question answered.

Being an effective leader and member of a group of elected officials is not something which magically happens just because you are elected or appointed to office. Leadership and team skills must be learned. You will need to listen to the residents of the City and then work effectively with the rest of the Governing Body to achieve the goals for the entire City.

Good Luck!

**Remember –
when you have a
particular
problem,
chances are
somebody else
has already dealt
with the issue.**

Getting Started **2**

So Now You're a Council Member

By their action at the polls, the people of your community have given you a vote of confidence and expressed faith in your ability to act in their best interest. As a newly elected or appointed member of the City Council, you have a lot to learn about providing leadership and governing. But don't take yourself or the business of government so seriously that you don't enjoy it. It can and should be a fun as well as rewarding experience.

Your First Days on the Job

Newly elected officials are sworn in at the next meeting following the general election and receipt by the City Clerk of the Certificate of Canvass from the Johnson County Board of Commissioners.

New Council members may be overwhelmed at first by all they need to learn and the amount of time involved. Others are surprised to discover there are limits on their role in making decisions and setting policy. What is clear, however, is that it is a very big job.

Getting Oriented

First thing to do is attend the orientation sessions provided by City staff. During the sessions, the City Administrator and department heads will brief you on core services and current projects. It is a broad overview of the functions of the City. Tours of key City facilities and services are also provided. Take this opportunity to learn all you can about the City organization, its history, operations and financing. Take time to visit with the Mayor and other Council members to gain an insight into their perspectives and experience.

Review Key Documents

You will receive information at orientation sessions that you can read later and use as reference during your time on the Council. You will also receive other documents which will help you do your job. At the end of your term, these will need to be turned back in so they can be provided to your replacement. Don't be afraid to ask questions; you are not expected to know all the answers immediately. Find out about anything you need to know for a better understanding of City operations and issues facing the community. The information may seem

Keeping Some Perspective

- **Pace yourself.**

Recognize that life – and the City – is dependent on a lot of things over which we have little control. Set some priorities, recognize the need to spend time with your family, and don't burn yourself out.

- **Develop a thick skin.**

Remember that they don't dislike you, they just may not like your ideas.

overwhelming, so don't worry about going back and getting items clarified or getting a more in-depth explanation until later.

Keeping Some Perspective...

- **Be Yourself.**
Don't try to be someone you are not.
- **Majority Rules.**
Remember, it takes a majority of members to pass any motion. You will need to work with the other members to get things accomplished.

Legal Restrictions

Keep in mind that our City's ordinances, as codified in our municipal code book, as well as other legally adopted regulations, such as the traffic code and zoning regulations, must be followed until the Governing Body takes action to amend them. If you are unsure of your responsibilities or authority in certain areas, seek clarification from the City Administrator or City Attorney.

Value and Respect Your Staff

Recognize that the City has an experienced and professional staff and that these individuals are a valuable resource – treat them with respect and don't take them for granted. They are here to serve you and the citizens of De Soto.

Much of the staff have served the community for many years and have a valuable historical perspective which can help fill in the gaps for a new Council member.

Take it Slowly

Resist the urge to recommend drastic changes before you know how everything works. Many of the City's policies have evolved over years through trial and error. While some things may appear to need an overhaul, it pays to watch for awhile before trying to change things. Don't seek change simply to do things differently! Give yourself some time to learn the fundamentals.

Public and Private Sector Differences

A word of caution... You may have run for office with the pledge to "run the City like a business." While there are similarities, there are some important differences between the public and private sectors that will become apparent as you get used to your new role.

Here are just a few of those differences:

- **Most of your work will be done in the public eye.** Consequently, things move more slowly and take more time. Deliberations of the Governing Body are done in public meetings, and most records are available to the public.

- **City programs and facilities don't pay for themselves.** We don't charge fees to cover all costs for programs, such as the swimming pool. These programs are offered as part of the quality of life of the community, which is why they are supported by tax dollars. Also, you want all members of the community to be able to participate and use the facilities, not just the wealthiest. The City has an obligation to all of its citizens, regardless of their socio-economic level, to provide a high quality of life.
- **The City is not a "for profit" organization.** Taxes are levied in an amount adequate to provide for the needs of the community, not to make a profit. Even enterprise funds, which are run like a business, only charge for their services so they can meet the current and future needs of the City.
- **While employees are expected to perform in a professional and "business like" manner, the city cannot operate like a business.** Not all normal business principles apply to a municipality. We are governed by many state and federal laws which businesses are not required to follow.
- **City projects and contracting often must go through a public bidding or proposal process.** This takes time and sometimes costs more. The benefits are enhanced trust in the ethics of city officials and cost-savings in the long run.

General Information

- **Meetings.** The City Council meets the 1st and 3rd Thursdays of each month at 7:00 p.m., although some meeting dates are changed due to conflicts with holidays or other special events. Additional meetings include workshops on important or complex matters, or special meetings needed to take action on time-sensitive items.
- **Pay.** City Council members receive a stipend of \$70/month for their service. Because the Mayor's position includes more duties than the Council, a stipend of \$700/month is provided.

Practical Advice

Some pointers to help you be successful

Words of Wisdom...

- Listen.** Listen to everyone until your ears fall off. Soak it up. After six months in office, you will round out the picture of the complexities of City government and your role.
- Read.** Considerable time goes into staff reports provided to you in advance of City Council meetings. They contain critical information you will need when considering an issue. If you need additional information, ask for it early enough so that it can be shared with the rest of the Council.
- Carry a notebook** for the first six months and write things down to help you keep on track.
- Maintain papers and documents** that you will need to refer to in the future. It will help you review items previously covered and save valuable time.
- Don't be afraid to say, "I don't know."**
- Don't make promises you can't deliver!** Policy decisions are made by the Council as a whole, not individual members; administrative decisions are the purview of the City Administrator.
- Gear your mind to process** a tremendous amount of seemingly conflicting information.
- Don't enter office with an unmovable set agenda.** Learn as much as you can before taking on a major program or effort. Don't be strangled by campaign promises that were made without sufficient information.
- If you come on board as a big critic** of the "way things have been done," you may be surprised to find how hard the job really is. You'll soon gain a better appreciation for those who came before you.
- Don't waste valuable meeting time** with questions or issues that could have been handled beforehand by a phone call or an email to the City Administrator.
- The job can be very complex** – try to stay focused on the big issues. Don't get mired in the minutiae.

Learn from Others...

- Ask for help when you need it.** Don't be afraid to ask the City Administrator, the Mayor or other Council members.
- Network with your peers.** Meet with other elected officials from neighboring communities. They can provide support and new ideas. Get involved in the League of Kansas Municipalities or the National League of Cities.
- Find an experienced mentor** on the Council. Ask for advice when you need help. You'll get empathy and a clearer vision from someone who has been there.
- Ask opinions and listen.** Spend time with those individuals who have different opinions from yours. Listen, don't argue the points, then rethink your position.

Form of Government 3

Form of Government in De Soto

De Soto operates under the Mayor-Council-Administrator form of government, a system that combines strong political leadership of elected officials with strong managerial experience of a professional City Administrator. In this form of government, Governing Body members are leaders and policy makers elected to represent the City as a whole by concentrating on policy issues that are responsive to citizens' needs and wishes. The City Administrator is hired by the Governing Body to carry out policies, oversee City operations, and ensure that the entire City is being served. The Governing Body establishes goals and policies which the staff executes under the supervision of the City Administrator. All appointed officers of the City (e.g. City Attorney, City Engineer, Municipal Court Judge) are initially appointed to their position by the Mayor but, once appointed, they remain in their position as an at-will employee and can be removed at any time or for any reason (unless an Ordinance or written contract provides otherwise) upon a two-thirds vote of all members of the Governing Body.

Home Rule

All cities in Kansas have *home rule* powers, the ability to govern themselves without direct involvement from the state. Cities are not required to take any action to obtain home rule powers because they are conferred directly by the Kansas Constitution on all classes of cities. Cities exercise their home rule powers through the passage of an ordinary ordinance or a charter ordinance.

Home rule power is not absolute. Cities must comply with state laws that apply uniformly to all cities and must conform to applicable federal laws and to the U.S. Constitution and the Kansas Constitution. In exercising home rule powers, cities may legislate on any subject other than those reserved to the exclusive jurisdiction of the legislature by the Home Rule Amendment itself.

City Classification

Cities in Kansas are designated by class based on the size of their population. In general, there are no advantages or disadvantages to being one classification versus another. City classification is more or less an historical legacy of the state legislature pre-dating Home Rule authority, although it is still a general reference tool for City size.

On October 15, 2007, the Kansas Governor officially declared De Soto a City of the Second Class based on its population exceeding 5,000 inhabitants. While normally a City of the Second Class is divided into Wards, and each Ward is represented by a specified member of the City Council, the De Soto Governing Body decided it was best that Council members

continue to be elected at large. Consequently, the City chartered out of the statutory provisions related to dividing the City into Wards.

Additional Related Information

Additional related information can be found in Chapter 1 of the Governing Body Handbook, published by the League of Kansas Municipalities.

Role of Council Members **4**

The principal job of the City Council is to establish the general policies under which the City operates. The Council performs this function by:

- Enacting ordinances, resolutions and policies;
- Establishing City fees and utility rates;
- Approving the Mayor's appointment of the City Administrator, City Attorney, Municipal Judge, Prosecutor, members of various boards and commissions, and vacant Council seats;
- Reviewing and approving the annual budget, setting the tax rate and approving the financing of City operations; and
- Authorizing contracts to be executed on behalf of the City.
- Monitoring city programs and services to ensure they are being accomplished in the best possible way.

It is important to recognize that it is not the role of the Council member to administer city affairs. The Council sets policy, but it is the City Administrator who actually sees that policies are implemented. The City Council gives direction to the City Administrator as a body in public meetings, not individually.

City Council members are elected to look after the interest of the entire City. Your effectiveness depends on you providing input as a representative the entire City, and your thinking and voting should be for the needs of the whole community.

Council members must work together to provide policy decisions that benefit the community as a whole and provide quality service to all of the City's residents. Once the Council makes a decision, it becomes the entire Council's decision, even if you were opposed to it. If you are asked about the issue and do not wish to defend it, simply explain why the Council made the decision it did.

Adopting Policy

The Council does not make policy in a vacuum. The Council relies on input and ideas from many sources, including staff, advisory boards, citizens groups and others. It is the Council's responsibility to consider the merits of each idea and then approve, modify or reject it. In doing so, Council members analyze community needs, program alternatives and available resources. The decision often takes the form of an ordinance or written resolution, although it may be in the form of a simple motion.

Responding to Citizen Complaints

Residents often contact a Council member when they have a problem. You may also be approached by a citizen, colleague, or even a friend or neighbor about City operations, issues or service problems. Many times they approach you because they aren't aware that contacting the City Administrator or City staff directly is appropriate. Help them understand this by acknowledging and redirecting them. You may say: "Yes, I can see why upset you. I apologize you had that experience. Have you shared this with the City Administrator?" or "I don't have an answer for you right now, but let me look into it and get back with you."

If you personally take on the citizen request, contact the City Administrator and he or she will direct the request to the appropriate department or staff person for resolution. Keep in mind that the City Administrator is in charge of directing staff and, despite the temptation or ease of you or the Governing Body resolving the request by giving direction to staff, it is important that the request first be vetted with the City Administrator since he or she is answerable to the Governing Body on the overall day to day operation of the City.

So, Who Actually Manages City Operations and Staff?

It is not the role of the Governing Body or any of its members to administer City affairs. The Governing Body sets policy. The City Administrator sees that policies are implemented. It is not the role of a Council member to supervise City employees on the job or become involved in day-to-day administration of City affairs. Except for general questions, contact with staff should be through the City Administrator.

Relationship with the City Attorney

The City Attorney's job is to provide legal advice and counsel to the City, which includes advising the entire Governing Body, staff, and boards and commissions. Ultimately, the City Attorney's client is the Governing Body and not any individual member of the Body. If you have been contacted by someone to appear as a witness in your capacity as a Council member or been served a legal notice in your capacity as a Council member, immediately contact the City Attorney.

While generally it is best to ask your questions of the City Administrator, who can answer most of them, you can contact the City Attorney directly if you think it appropriate. Remember, although he or she is on salary, the attorney's time is a City resource, so use it wisely. If there is a legal issue that you need an immediate response to, it is better to err on the safe side and call the attorney.

Personnel Management

The Governing Body determines the number of employees, approves the City's pay and compensation plan and approves the City's personnel policy. It also hires the City

Administrator and approve that contract. All other personnel actions, unless specifically defined in the personnel policy, are the duty and responsibility of the City Administrator. He or she is responsible for the hiring, discipline, promotion, demotion and firing of all city employees.

The Mayor, with the approval of Council, appoints the Municipal Judge, although due to the independent nature of the judicial branch of government, little contact usually occurs between the Governing Body and the judge. In no circumstance should a Council member attempt to influence a decision of the judge in a case. Policy direction for the judge is often best vetted through the City Administrator.

Questions & Answers

Q. An employee comes to me with a gripe or problem, what should I do?

A. You should direct the employee to his/her supervisor or remind them that the City Administrator has an open door policy for all employees. Afterwards, give the City Administrator a courtesy call to keep him/her in the loop.

Q. Is the City Administrator required to inform Council members prior to disciplining or terminating an employee?

A. No. However, if a particular termination may prove controversial, he or she will likely inform you.

Q. Can we talk about personnel issues during a Council meeting?

A. Not if they are about an individual - this discussion should be done in executive session. You should only discuss general personnel policy issues in open session.

Practical Advice

Some pointers to help you be successful

Leadership...

- Lead by example.** Be honest, consistent, and flexible. Don't play games.
- Use common sense.**
- Don't be stampeded into action** by the strong demands of special interest groups or individuals. Your job is to find the long-term public interest of the entire community.
- Be clear on what you stand for.**
- Be open to others' ideas.** Don't assume that only you know the best way to accomplish things. Every issue will benefit from additional discussion. No one has a monopoly on good ideas.
- Sometimes we underestimate the potential impact of an elected official's leadership.** Use the dignity of your office to help the community get past contentious issues.
- There is a tremendous amount of discomfort in making public decisions.** Sometimes the decisions feel like the end of the earth. It's easy to fear the political consequences. But it is important to look a little more long-term in perspective, weigh everything and reach good decisions.
- You won't be able to satisfy all of the people,** and you have to know that. Listen fairly...listen thoughtfully...and then do what you feel is right.

Working with Staff...

- Get to know staff and what they do.**
- Say "Thank you!"** Let folks know how much you appreciate them and give credit where credit is due.
- Treat staff with respect.** They are a very valuable asset, and they have committed themselves to making the community a better place.
- Be consistent.** Treat everyone equitably and keep relationships professional.
- Don't surprise staff at a meeting.** If you have a question or issue, let them know in enough time so they can provide the answer to you.

Roles of the Mayor & Council President **5**

The Mayor presides over City Council meetings, serves as spokesperson for the community, facilitates communication and understanding between elected officials, assists the City Council in setting goals and policies, serves as an ambassador and defender of the community, nominates persons to serve on boards and committees, and then appoints them for consideration by the Council for approval. The Mayor also makes proclamations and serves as a key representative in intergovernmental relations, including participation on the De Soto Economic Development Council and other intergovernmental or regional partnerships. Together, the Mayor and City Council form a policy-development team.

The Mayor votes charter ordinances, and other matters as prescribed by state law (i.e., zoning changes). On ordinary ordinances and other matters, the Mayor votes only when the Council is evenly divided. The Mayor has the power to veto ordinary ordinances unless he/she cast a vote on the ordinance.

Council President

The Council President is a Council member elected by the members of the City Council to serve in the temporary absence of the Mayor. The Council President presides at all Council meetings when the Mayor is absent. He/She performs the ceremonial duties of the Mayor during the Mayor's absence. When occupying the place of the Mayor, he/she has the same privileges as other Council members and shall exercise no veto.

There is no requirement for when or how frequently the City Council elects a Council President. Normally, a Council President is chosen after any new members are elected to the Governing Body.

When a vacancy occurs in the office of Mayor, the Council President shall succeed to the office until the next regular City election.

Role of the City Administrator 6

The City Administrator is hired to serve the community and brings the benefits of education, training and experience in leading and managing local government organizations, projects and programs.

The City Administrator:

- supervises all of the City’s departments and employees;
- serves as the City Council’s chief advisor and carries out the City Council’s policies;
- recruits, hires, disciplines, and fires employees;
- prepares a budget for the City Council’s consideration;
- works in partnership with elected officials to develop sound approaches to community challenges;
- helps the governing body develop a long-term vision for the community that provides a framework for policy development and goal setting; and,
- promotes ethical government through commitment to a set of ethical standards beyond those required by law.

The City Administrator ...

- Hires, disciplines and fires employees;
- Carries out the day-to-day activities of the City through the staff;
- Is the senior staff advisor to the Governing Body.

Council members and citizens count on the City Administrator to provide complete and objective information, pros and cons of alternatives and long-term consequences of decisions and policies. Similarly, the City Administrator relies on City staff to provide professional and well-reasoned information and recommendations, and the highest level of public service possible. If the City Administrator is not responsive to the City Council’s wishes, the City Council has the authority to terminate the City Administrator’s contract at any time.

Actions of the Governing Body **7**

The Governing Body adopts policies for the City and itself to provide for safe, equitable and efficient City operations. It also adopts policies to regulate and administer its own conduct and operations. Policies are adopted by the Governing Body in several different forms. These are:

- **Ordinance.** An ordinance is a local law of the City, prescribing rules of conduct. It is used for a variety of purposes, including administrative action, such as establishing the employee compensation plan, or as an action to control the conduct of the public. Ordinances are also used to amend the City’s zoning and subdivision regulations, which are also laws of the City. Passage of an ordinance requires five affirmative votes by the City Council. Even if a position is vacant due to death or resignation, a full majority of the full body is still required. An abstention on an ordinance counts as an abstention and not with the prevailing side as with non-ordinance matters.
- **Charter Ordinance.** Kansas law allows cities to “charter out of” or exempt themselves from some state statutes and establish their own regulations. Passage of a charter ordinance requires six affirmative votes of the Governing Body (City Council + Mayor).
- **Resolution.** This is a less formal action than an ordinance and acts more as an expression of the opinion of the Governing Body. Passage of a Resolution requires a simple majority vote of City Council members present and voting.
- **Governing Body Policies.** A Governing Body policy is an internal or administrative action to address issues not covered by a City ordinance, regulation, or the municipal code book and establishes rules and requirements not listed in any of those other publications. Passage of a Governing Body policy requires a simple majority vote of City Council members present and voting.

The Council Meeting 8

The Council meeting is the place to get the critical job of decision-making accomplished. A smoothly managed and productive Council meeting does not necessarily guarantee good results, but it certainly helps.

The Mayor's role is to chair the meeting. As the moderator, the Mayor helps facilitate the meeting while allowing full Council participation, maintains order and decorum, and sees that all motions are properly dealt with as they arise.

The Agenda

The agenda is developed by the City Administrator and disseminated to the Governing Body and the public before the meeting. The staff prepares a read-ahead packet of information that is normally posted on-line at www.desotoks.us or, if requested, on paper in your mailbox at City Hall the Friday afternoon prior to the City Council meeting.

The read-ahead packet contains the agenda and supporting material for each agenda item. Many items are accompanied by a staff report which gives you most if not all of the information in advance of the meeting. If an item on the agenda is a large size or volume, such as a contract or plat document, the necessary information will be summarized in your packet and the actual document will be available for review in the City Clerk's office and at the meeting itself. Oftentimes, large documents are posted on the agenda web page. Meeting minutes are posted on this web page rather than printed in paper packets. Minutes are also emailed to Council Members by the City Clerk for review the Friday or Monday following the City Council meeting.

The Mayor can change the order of business or add/delete items the night of the meeting by majority acceptance from the Council at the beginning of the meeting.

The Meeting

Even the best-planned Council meetings can deteriorate into endurance contests. These are not always the most productive meetings – exhausted people don't always make the best decisions. In order to have a smooth running meeting, the following is the order of business for the Council meeting and the procedures that will be followed.

- 1. Workshop.** Informal work sessions of the Council are sometimes held prior to the regular meeting, or on a different date. Work sessions are useful when major policy decisions must be discussed, or when a complicated issue is to come before the Governing Body. Start time for the work session varies, depending on the number and complexity of topics and schedule of the Council. The time is predetermined by the

Council and included on the posted agenda. Supporting information is included for the workshop as part of the posted agenda item and referred to on the agenda itself. Workshops are open meetings where no formal action is taken.

2. **Presentations/Proclamations.** If there are any presentations or proclamations to be made, they will normally be done at the beginning of the meeting.
3. **Consent Agenda.** The consent agenda is a tool used to streamline Council meetings. Routine, non-controversial items are listed collectively on the agenda and are passed with a single motion and vote.
 - Consent items are read by title and a short description
 - If a Council member wants to discuss an item, he or she must make a motion to have an item removed from the consent agenda for separate consideration. The motion must be carried by majority vote. Items pulled from the consent agenda require a separate motion to approve, and discussion can take place on that item once a motion to approve has been made and seconded.
 - The remainder of the consent agenda can be voted on, omitting the items removed for discussion.
 - The following items shall not be Consent Agenda items: Bond financing resolutions or ordinances, charter ordinances, items requiring special consideration or discussion, and public hearings.
4. **Call to Public.** Members of the public are welcome to use this time to comment about any matter relating to City business not listed on the Agenda. People making comments are required to go to the podium, state their name and address and keep their comments to 4 minutes. Comments discussed may or may not be acted upon by the Council during the meeting.
5. **Old Business and New Business.** The remaining business items are listed on the agenda in the order they will be addressed. These items include old and new business or public hearings necessary on items.
6. **Advisory Reports.** The City Administrator and other members of the staff use this time to provide information to the Council.
7. **Council and Mayor Comments.** This is an opportunity for Council Members and the Mayor to make comments, pass on information or ask questions of staff.

Executive Sessions

Closed sessions are authorized by the Kansas Open Meetings Act (KOMA) after a formal motion has been made, seconded and carried to recess into executive session. No formal action of the City Council can be taken during an executive session. The only allowable topics that can be discussed in executive session are:

- Personnel matters of non-elected personnel;
- Consultation with attorney on matters deemed to be of attorney-client privilege;
- Confidential data relating to financial affairs or trade secrets of second parties;
- Discussions about acquisition of real estate; or
- Discussions concerning security matters.

The content and discourse of executive sessions are not to be told to anyone nor discussed outside the session, even with other Council members. Any official who knowingly violates KOMA is liable for the payment of a civil penalty of up to \$500, if the action is brought by the attorney general or a county or district attorney and may be sanctioned by the Governing Body. For more detailed information on KOMA, refer to the League's *Governing Body Handbook*.

Voting Guide

Quorum

A majority of Council members must be present at the meeting to constitute a quorum. This means four members of the six-member Council must be present.

Abstentions

Council members are discouraged from abstaining from voting on any issue before the Council, unless doing so would be in violation of the City's Code of Ethics, which addresses conflicts of interest. When a conflict of interest exists, the member should explain that he or she has a conflict and excuse himself or herself before discussion begins and leave the Council Room until the item has been resolved by the remaining members.

For those non-ordinance matters where an abstention is used, such a vote shall be counted as for the prevailing side.

Mayor's Voting Power

The Mayor may vote only in case of a charter ordinance, as a tie-breaker when the City Council is equally divided on a vote and on other matters as prescribed by state law (i.e., zoning changes).

Mayor's Veto Power

The Mayor may veto an ordinance, but the mayor's veto can be overruled by six members of the Council.

Questions & Answers

Q. Can the Mayor unilaterally adjourn an uncompleted Council meeting?

A. No, not in normal circumstances. The Mayor can request that a Council member move that the meeting be adjourned, but the motion and subsequent vote are up to the Council. If there is a disruption during a Council meeting which requires a break in the meeting to restore order, it

would be appropriate for the Mayor to announce that the meeting is recessed for ten minutes, but other than such circumstances, it is up to the Council whether they wish to continue dealing with business.

Q. Can the Mayor unilaterally cut off debate?

A. No, cutting off debate requires a motion to call the question. It requires a second and a majority vote. As a meeting management tool, the Mayor may suggest when debate has extended past the point of new information being shared or when the hour is late.

Q. If the Council passes an ordinance at one meeting, can that ordinance be reconsidered at the subsequent meeting?

A. No. If the ordinance was passed and signed by the mayor, then the ordinance can subsequently be amended or repealed, but not reconsidered.

Meeting Survival Tips...

- **Prepare in advance** of meetings and be familiar with the issues on the agenda.
- **Be careful with executive sessions.** Only use executive sessions for issues that are specifically allowed.
- **Be courteous to each other and members of the public;** let them know you appreciate their comments.
- **Don't spring surprises on fellow Council members or City staff,** especially at public meetings. If a matter is worth discussing, it is worth putting on the agenda. Surprises may get you publicity, but they may embarrass others and tend to erode the "team" approach to governance.

Citizen Participation at Council Meetings 9

The public evaluates the performance of its elected officials to a great extent by what happens at meetings. Many citizens form their total opinions of the City government on the basis of having attended just one Council meeting. This is the time to impress citizens favorably and show them that the Council is capable of doing its job.

Citizen Comments at Council Meetings

The “Public Forum” period is a time slot set aside on the agenda for citizens to address the Council on any subject relevant to the City government, its policies, operations, or services. It is not to be confused with a public hearing, which is a formal proceeding conducted for the purpose of discussing a specific topic, such as the City budget.

Anyone wishing to address the Governing Body must speak from the podium and introduce themselves. Comments are to be limited to 4 minutes in length.

While providing an opportunity to speak on any topic of concern, the Mayor is responsible for maintaining order and decorum and will not allow the speaker to make personal attacks or inflammatory comments. In many cases, the speaker will be directed to meet with staff to resolve the issue or get questions answered. If the citizen has documents or papers they wish to share with the Governing Body that support their comments, they must also provide a copy to the City Clerk.

Other than asking a question to clarify a statement, members should refrain from entering into an extended dialogue with the citizen. This time on the agenda is not intended for a discussion between the Governing Body and the citizen and should not be used for that purpose. Also, if speakers engage in personal attacks on any member of the Governing Body, it may be necessary for the Mayor to cut them off. Council members are expected to be polite to citizens appearing before them, but there is no requirement that they subject themselves to intimidation by rude speakers.

Citizen Comments on Agenda Items during the Meeting

The City Council meeting is designed for the Governing Body to discuss and make decisions on the various issues on the agenda. Other than asking for clarification, discussion should be limited to among the members of the Governing Body. At no time will members of the audience be allowed to enter into the discussion from their seats in the audience. If recognized by the Mayor, they may be allowed to speak at the podium during the discussion if the Mayor believes their comments are germane to the topic and necessary or helpful for the Governing Body to continue their discussion or make their decision. Each speaker should only speak once unless clarification is requested by the Mayor.

If a planning item is on the agenda which had a public hearing as part of the process with the Planning Commission, the Mayor will not normally ask for public comment, as they had their opportunity to do so at the public hearing with the Planning Commission. The Governing Body will have the minutes of that public hearing so they can take those comments into consideration during their deliberation. *Comments are not normally allowed on an item due to the possibility of new information being presented outside the official public hearing which could open the door to potential litigation.*

Public Hearings

When an item requires a public hearing, by statute, the Mayor will open the public hearing and will then facilitate the hearing. Public comments can be made in the same manner as the Public Forum agenda item. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Council in order to keep the meeting moving. Public hearings are held to gather data and opinions from the citizenry that facilitate the decision-makers at the Council meeting.

Public hearings afford the public due process prior to key decisions by the Council (and boards and commissions). Due process requires that public hearings be fair, open, and impartial. Ex parte communications are communications received outside of the formal public hearing. To protect the due process rights of all, it is important that ex parte communications be disclosed and made a part of the record at the public hearing. Prejudgment of an issue is a denial of due process. It is essential that members of the Governing Body retain an open mind and a willingness to listen to all the evidence.

How to Deal with Criticism...

- **At some point, the Council’s action must be defended.** Try to help people understand the factors that influenced the Council, or discuss the parameters that influence an impending decision which is under attack.
- **When attacked, think carefully before responding.** Know your facts. Be truthful. Credibility is your most important asset in dealing with your critics.
- **Don’t belittle small but vocal sources of opposition.** Don’t label people.
- **Don’t argue.** Maintain decorum and don’t get drawn into an argument.
- **Remember that groups which are fostering a narrow self-interest will self-destruct** through an inability to gain mainstream support. Don’t overreact.
- **Keep in mind that anger is directed at your role,** not at you as an individual. Last but not least, while remaining respectful, keep a sense of humor.

Meeting Tips 10

Meeting Savvy

Consider these pieces of advice when preparing for a meeting:

- **Read the material you have been given for the meeting.** This will give you a good basic understanding of the issues and allow you to intelligently consider and discuss the issue.
- **Give colleagues time to assimilate things.** You'll notice that an idea rejected one day may be presented by the one who opposed it earlier.
- **Don't try to please everyone.** This simply does not work and makes you look weak and indecisive.
- **"We've always done it this way."** Don't become so enamored with precedent that it keeps the group from moving forward.
- **Don't waste quality meeting time dealing with routine questions or complaints** that can be resolved by staff outside the meeting.
- **Alert the Mayor and City Administrator before the meeting if you intend to bring up an important issue.** This simple courtesy will help staff prepare background information and avoid embarrassment.
- **Be sensitive to audience perceptions regarding your neutrality** during a recess, especially during hot meetings. If you meet with one group and not with another, you may be perceived as favoring that group.
- **If you disagree with a significant statement or proposal made by a colleague or staff member at a meeting, express the disagreement, in a respectful manner.** Silence may be interpreted by staff as agreement and they may take action based upon that assumption.
- **Practice civility and decorum in discussion and debate.** Avoid personal comments that could offend other Council members, the Mayor, staff or the audience.
- **Honor the role of the Mayor.** Council members should honor the role of the Mayor to focus discussion on agenda items and ensure the meeting moves along in a reasonable manner. If there is disagreement about the agenda or Mayor's actions, those actions should be voiced politely and with reason.

How to Aid Discussion by Asking the Right Questions

Questions are one of the most important tools you can use to obtain information, focus the group and facilitate decision making. Here are some samples:

Asking of Colleagues

- What do you think about this item?
- What do you think the proposed action will accomplish?
- Would you please elaborate on your position?
- What results are we looking for?
- How does this fit into our priorities?

Asking Staff

- What other alternatives did you consider?
- What are we trying to accomplish with this?
- What are the benefits and drawbacks?
- Will you please explain the process?

Asking of the Public

- How will this proposal affect you?
- What are your concerns?
- What other ways can you suggest for solving the problem?

Preventing and Resolving Conflicts 11

“Always do right. This will gratify some people and astonish the rest.”

-- Mark Twain

It is essential for Council members to understand their role and how it relates to the roles of the Mayor, City Administrator, staff and other Council members. Many conflicts in City governments are the result of confusion as to these roles and the consequent overstepping of the boundaries between the respective roles.

Preventing and Resolving Conflicts with the Mayor

The Mayor retains flexibility to perform the functions of the Chair of the Governing Body within the policies and regulations established by the City. Council members need to respect that role and work with the Mayor to advance the goals of the City. While the Mayor does not vote on most issues, his/her comments and thoughts should be acknowledged and respected. If you have a disagreement with the Mayor, you should meet one-on-one in private to discuss and resolve the issue. If it is a matter that comes up in the course of a meeting and cannot wait, politely and respectfully voice your concern or issue. If it is something that falls within his/her authority or purview, accept the Mayor’s decision.

Preventing and Resolving Conflicts with other Council Members

Any conflicts or disagreements with other Council members should be done one-on-one, in private, keeping in mind requirements of the Kansas Open Meetings Act. If it arises during a meeting and cannot wait, then ask for additional clarification or reasoning and center your discussion on the issue, not on the person. Avoid personal comments that could offend other Council members and continue respectful behavior in private.

Council Member Communication with Staff

Requests for information should, in almost all cases, go to the City Administrator. If it is a simple request for easily retrievable information that would not involve additional research, then you can call the Department Head directly. If you are in doubt about what staff contact is appropriate, ask the City Administrator. Any request for a meeting with staff must be directed to the City Administrator, unless, again, it is for the purpose of obtaining simple information. Consider the impact on staff of your requests for information. Do not solicit political support from staff. Also remember, you do not, as an individual Council member, have the authority to direct the City Administrator or any employee to do anything. All direction comes from you acting in concert with the rest of the Governing Body.

Staff Communication with Council Members

Staff should not contact Council members, unless they are responding to a simple request for information, providing pertinent information, or have been otherwise directed to do so by the City Administrator. If contacted by staff for any other reason, tell them that they need to contact their Department Head or the City Administrator. Do not get involved in personnel actions nor allow staff to think they can directly influence you somehow.

Roles of the City Administrator and the Governing Body

In order to alleviate potential conflicts, it is important to understand the role of the Governing Body and the City Administrator in the functions of the City. The following table describes most areas of possible conflict or confusion and lays out the role and responsibility for each party.

Policy Making and Implementation

City Administrator	Governing Body
Keep Council informed	Listen to residents – keep track of their concerns and wishes
Propose policy	Discuss, develop and adopt City policies
Implement policy adopted by the Governing Body	Hold City Administrator accountable for policy implementation
Report back regarding policy implementation, effectiveness and possible improvements	

Personnel Matters

City Administrator	Governing Body
Hire, supervise, discipline, promote, demote and fire all City employees	Adopt personnel policies, establish positions, set wage scales and benefits

Budget and Strategic Planning

City Administrator	Governing Body
Work with staff to develop preliminary budget and departmental strategic plans	Establish goals and priorities which provide a framework for the budget
Present budget to Governing Body and facilitate deliberation process	Discuss and adjust proposed budget to meet established goals and priorities; adopt budget, set mill levy, utility rates and other fees
Implement budget adopted by Governing Body, provide regular financial reports and present alternatives when City is faced with budget issues	Review financial reports and annual audit; make decisions to amend budget when necessary

Meetings of the Governing Body

City Administrator	Governing Body
Prepare agenda; review the agenda highlights with Governing Body members in advance of the meeting; attend meetings; report to Governing Body on matters involving City administration; propose policy initiatives or changes	Deliberate on all agenda items; take action on all agenda items; approve policy initiatives and changes

Land Use and Planning & Code Enforcement

City Administrator	Governing Body
Supervise Planning staff, who make recommendations to the Planning Commission and Governing Body on a broad range of planning issues and who implement the plans and regulations approved by the Planning Commission and Governing Body	Adopt and amend zoning code, subdivision regulations and comprehensive plan after receiving input from staff, residents, Planning Commission and others
Supervise codes administration and ensure regulations are enforced fairly and equitably	

City Expenditures & Contracts

City Administrator	Governing Body
Sign contracts; ensure supervision and enforcement of contracts; recommend a purchasing policy and, once adopted, implement the policy	Authorize execution of contracts; approve a purchasing policy; approve expenditures above \$5,000

Relationships with Other Entities

City Administrator	Governing Body
Represent the City when coordinating and working with other governmental entities	Members may serve as City representative on certain intergovernmental bodies or speak on behalf of the City when designated or as required

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are the motives and spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Is it just and morally right?
- Does my conduct give others a reason to trust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear where I stand?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and try to understand the views of others?
- Do I question different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

Practical Advice

“The most important single ingredient in the formula of success is knowing how to get along with people.”

Franklin D. Roosevelt

- **Keep disagreements from getting personal.** Discussion should be about the policy and not personalities.
- **Always be courteous to other Council members,** especially new ones who may not have a full grasp of the issue.
- **Address conflict head on.** Putting an item off to another day does not solve the problem.
- **Don't be overly swayed by a few people who called you or are in the audience.** Remember, you were elected to represent everyone in the community, not just the few that show up for a meeting. Do what's right for the entire community!
- **The secret to successful politics is compromise!**

Ethics, Conflicts & Open Meetings 12

Part of being a public official is being subject to public scrutiny. Like it or not, the public expects you to behave according to a high level of ethical standards.

State Ethics Laws

Kansas state law contains certain requirements to achieve a fair balance between public and private interests. The law requires members of the Governing Body to file a Statement of Substantial Interest to disclose to the public the ownership by the officer or his or her spouse of certain personal financial interests. Refer to the League of Kansas Municipalities *Governing Body Handbook* for the specific requirements contained in Kansas statutes.

Code of Ethics

Public officials have the duty of serving the public with undivided loyalty, uninfluenced by any private interests or motives. Care must be taken not to violate this duty of trust, either in fact or appearance. The City has a Code of Ethics that each member of the Governing Body and all City employees are required to abide by.

Conflict of Interest

A practical definition of when you have a conflict of interest is when your personal interests or life intersect with your official position. It may, in fact, be an appearance issue rather than an actual conflict of interest according to the law. Either way, you should recognize the situation for what it is and develop your strategy to address it in an ethical way.

If a Governing Body member has a conflict of interest on a matter before the Governing Body, before the item is presented for consideration, that person should announce the potential conflict and excuse himself/herself from the Council Chambers until the matter has been addressed by the remaining Governing Body members. If there is a question of real or perceived conflict of interest, the Council member with the potential or real conflict should contact the City Attorney for an interpretation of the situation prior to the meeting.

Generally, a conflict of interest that would require abstention from the matter would occur in two situations. The first is when the City contracts with a private entity. A member of the governing body may not participate in making a contract with an entity in which he or she has a substantial interest (financial stake or a leadership role such as serving on a board of directors).

The second occurs when the governing body takes up a matter in which a member has an interest that is different in kind or degree from that of others affected by the decision. For example, when the governing body discusses a policy of general applicability to land development, a governing body member involved in real estate or land development does not

have a conflict unless the impact of the policy on that member would be different from the impact on others having similar business interests.

Keeping Out of Trouble

The following are some common areas where you can get in trouble by violating state statute or City code:

- Violating the Kansas Open Meeting Act (KOMA). This can be done by five or more Council members meeting in person, by telephone, via email, in an internet chat room, or by any other means of interactive communication if any participant seeks to reach agreement on a matter that would require binding action by the Council or Governing Body.
- Conducting a “serial meeting” has been a particular concern to the Legislature. A serial meeting involves successive interactive communications, such as by email or in a chat room, sharing a common topic of discussion concerning public business and intended by any participant to reach agreement on a matter that would require binding action. Serial meetings, even if each involves less than a majority of the Council, are prohibited by KOMA unless all statutory requirements, including notice of the meeting, are satisfied.
- Not disclosing a conflict of interest during Council deliberation, nor refraining from participating in discussion and/or voting on something with which you have a conflict of interest.
- Disclosing information discussed in executive session.
- Not disclosing ex parte conversations with parties having an action before the Governing Body.
- Using your office for personal gain or profit.

If you're not sure what to do, ask: Is it legal? Is it ethical? Is it the right thing to do?

Budget Basics 13

Budget Basics

The budget is one of the Council's strongest policy-making tools. Spending guidelines are a reflection of numerous policy decisions. The budget can give a new Council member a clear view of City policy on many issues.

Setting policy through the budget is a continuous, year-long process. It involves setting goals and establishing priorities. Public participation is critical to the budget process, as well as being required by law, because of the many policy decisions involved. Once a budget is adopted, Council members monitor program progress through periodic reports from staff. If programs are not effectively implementing policy decisions, revisions can be made.

The Governing Body deals with three *types* of budgets in the budget document:

- An operating budget for delivering services like parks, public works, and administration and contractual agreements for provision of services like police and fire. The operating budget enables you to set policy. When most citizens think about their City's budget, they're referring to the operating budget supported services. The operating budget is financed from the City's ongoing general revenue sources, primarily property and sales taxes.
- Utility services provided by the City are separately funded through user fees. These funds are called "Enterprise Funds." Officially, the City of De Soto has three: Water, Sewer and Refuse.
- A capital budget that determines which capital improvements will be bought or built during the budget year and how they will be financed.

The Legal Document

In Kansas, budgets must be balanced – anticipated revenues must equal forecasted expenditures. Unexpected revenues can be appropriated by a supplemental budget modification or can be allocated to reserve funds or to the following year's beginning balance. Expenditures which exceed revenues can be made only by the Council transferring funds from reserve accounts (subject to Council approval) or by issuing interest-bearing warrants.

Budgeting Method

De Soto uses a line-item or incremental budget. The budget is prepared by adjusting expenses based on current expenditure levels. It shows how much money will be spent on every element of expense, or line item, in every department.

The Budget Calendar

The budget is a living document and can be amended or adjusted throughout the year, as necessary. The standard timetable the City follows to prepare the next year's budget generally starts early in the year when the City Administrator reviews how the previous year ended and updates the five year financial plan. Early in the spring, the City Administrator meets with Department Heads to discuss revenue assumptions and general needs for the coming needs to outline parameters for development of the coming budget. Department heads then submit their proposed operating and CIP budgets in May, which are reviewed by the City Administrator and Finance Manager, who meet one-on-one with each department to scrutinize their proposed budgets and CIP requests, adjusting them as necessary. In June, a workshop is held to review the Capital Improvement Plan (CIP) and major budget issues. In late June/early July, the City Administrator presents the recommended budget to the Governing Body where it may direct staff to adjust the budget as it deems necessary. In August, a public hearing is held, and the City Council formally adopts the budget.

Fiscal Calendar

The fiscal calendar for the City is the same as the calendar year, meaning each fiscal year begins on January 1 and ends on the following December 31.

Putting the Budget Together

The following is the budget process. It is definitely a team effort involving the Governing Body, City Administrator, staff and community.

- **Estimating Expenditures**

Departments prepare estimates based upon a projection of current trends, a forecast of the effects of new programs, and an estimate of what is needed to operate and maintain their services.

- **Reviewing Estimates**

The City Administrator reviews departmental requests, taking into account policy objectives and priorities for new or expanded programs. What develops from this is a preliminary budget.

- **Estimating Revenues**

The City Administrator reviews revenues, asking “What are the factors affecting future revenue flows, and what is the estimated level of revenues for the upcoming budget

period?” Once these questions are answered, revenue estimates are established and used in the preliminary budget.

- **Adopting the Budget**

The City Administrator presents the budget to the Council and the public for review and adoption. If approved, the budget is adopted by motion. Adoption of the budget authorizes funding specific expenditures with specific resources. As approved, the State budget forms are prepared and submitted to the State within its prescribed timelines.

- **Implementing the Budget**

The City Administrator implements the budget adopted by the Council, and provides the Council with periodic reports showing accrued revenues and expenditures and a comparison of budgeted revenues and expenditures.

- **Annual Audit**

The City has an audit conducted by an independent auditor every year. The audit report contains information on cash balances, revenues, and expenditures. If there are any irregularities in budgeting and expenditure practices, they are reported. The Governing Body is provided a copy of the audit report, and the company which conducts the audit also makes a verbal report to the Governing Body.

An Inside Look

Now that you know how the budget works, it is important to understand what the budget is and what it is not.

The budget:

- Expresses your community’s priorities.
- Works as a plan to identify resources and expenditure flows.
- Operates an annual work program by guiding program management and evaluating existing expenditures.
- Responds to change. The budget process is dynamic – it has to be flexible to meet public needs, keep up with technology and adjust to financial circumstances.

But the budget can’t do it all. It will not:

- Be precisely accurate. The budget relies on estimates based on forecasts.
- Create efficiency. The budget is a resource allocation plan. It can’t overcome obstacles in management or staff structure.
- Establish public policy. Public policy is established through careful discussion before the budget is prepared.
- Make everyone happy. There will be winners and losers!