

## **CHAPTER 2**

### **ADMINISTRATION**

#### **Article I. In General**

- 2-101 Waterworks division petty cash fund
- 2-102 Payroll deductions
- 2-103 Effect of state public employer-employee relations law
- 2-104 Inspection and copying of public records

#### **Article II. Governing Body**

- 2-201 Composition; election of members
- 2-202 Districts
- 2-203 General Powers
- 2-204 Mayor
- 2-205 Salaries
- 2-206 Qualifications and Vacancies
- 2-207 Annual Organization Meeting
- 2-208 Prohibitions
- 2-209 Duty to pass ordinances
- 2-210 Powers of certain city officials concerning emergency conditions

#### **Article III. City Manager**

- 2-301 Appointment; Qualifications; Compensation
- 2-302 Acting City Manager
- 2-303 Powers and duties of the City Manager

#### **Article IV. Administrative Departments**

- 2-401 Creation
- 2-402 Administrative officers, employees, boards, etc.

#### **Article V. Planning Commission**

- 2-501 Appointment and composition; qualifications, compensation and terms of members; vacancies
- 2-502 Meetings; officers; quorum; records
- 2-503 Powers and duties generally
- 2-504 Submission and approval of plans, plats and replats
- 2-505 Adoption of regulations governing the subdivision of land

**Article VI. RESERVED**

**Article VII. Disposition of Sales Tax**

2-701 Sales Tax Revenue

**Article VIII.**

Reserved

**Article IX.**

Reserved

**Article X. Municipal Band**

2-1001 "Band" defined  
2-1002 Annual contracts for hire of band

**Article XI. Investment of Temporarily Idle Funds of the City**

2-1101 Investment of idle city funds  
2-1102 Records and reports; restrictions on investment  
2-1103 Custody and safekeeping of securities  
2-1104 Disposition of earnings  
2-1105 Sale of securities

**Article XII. Public Building Commission**

2-1201 Appointment and composition; qualifications and terms of members  
2-1202 To be a municipal corporation  
2-1203 Purpose; powers and functions  
2-1204 Duties

**Article XIII. Housing Authority**

2-1301 Title  
2-1302 Statement of Purpose  
2-1303 Definitions  
2-1304 Creation of a Housing Authority  
2-1305 Appointment of Commissioners; Qualifications; Terms; Compensation; Meetings;  
Offices  
2-1306 Rules of Procedure  
2-1307 Officers

- 2-1308 Removal of Commissioners
- 2-1309 Meetings
- 2-1310 Annual Report
- 2-1311 Advisory Boards
- 2-1312 Authority and Responsibilities
- 2-1313 Operation of Housing Programs
- 2-1314 Determinations by Housing Authority
- 2-1315 Housing Rentals and Tenant Admission
- 2-1316 Acquisition of Property by Eminent Domain
- 2-1317 Aid and Cooperation in Planning and Operating Programs
- 2-1318 Municipal Housing; Exemption from Special Assessments; Payments in lieu of Taxes
- 2-1319 Planning, Zoning and Building Laws
- 2-1320 Municipal Housing Law and Issuance of Revenue Bonds
- 2-1321 Bonds of Housing Authority; Resolution; Terms and Conditions
- 2-1322 Bond Provisions; Trust Indentures; Mortgages
- 2-1323 Remedies of an Obligee
- 2-1324 Additional Remedies Conferrable by the Housing Authority
- 2-1325 Exemption of Property from Execution Sale
- 2-1326 Aid from the Federal Government
- 2-1327 Transfer of Possession or Title to the Federal Government
- 2-1328 Validity of Bonds; Certificate of Auditor of State
- 2-1329 Administrator
- 2-1330 Reports and Recommendations
- 2-1331 Invalidity of Past
- 2-1332 Act Controlling; Administrative Actions

**Article XIV. Convention and Visitors Bureau Advisory Board**

- 2-1401 Creation

**Article XV. Housing Commission**

- 2-1501 Members
- 2-1502 Function

**Article XVI. Municipal Equipment Reserve Fund.**

- 2-1601 General
- 2-1602 Uses
- 2-1603 Plan of Operation
- 2-1604 Investment of Funds

## Article XVII. Land Bank

- 2-1701 Purpose
- 2-1702 Definitions
- 2-1703 Land Bank Board of Trustees; Appointment, Terms and Dissolution
- 2-1704 Land Bank Board; Organization
- 2-1705 Land Bank Board of Trustees; Powers and Duties
- 2-1706 Land Bank Board of Trustees; Operational Requirements

## Article I. In General

### Sec. 2-101 Waterworks division petty cash fund.

a. There is hereby established a petty cash fund in the sum of five thousand dollars for the use of the waterworks division for the purpose of paying postage, freight, temporary labor and other emergency expenses including refund of deposits made to secure payment of accounts.

b. The petty cash fund shall be deposited in the designated city depository bank as a separate account and shall be paid out on the order of the cashier of the waterworks by checks which shall state clearly the purpose for which issued.

c. The payees of all checks shall certify thereon over their signatures that such services were rendered, supplies furnished or refunds received, as the case may be, and any false certification on any check shall be deemed obtaining money under false pretenses and punished as provided by law.

d. Whenever the petty cash fund becomes low or depleted, the cashier shall prepare vouchers covering such expenses as have been paid from the petty cash fund, and shall submit such vouchers together with the paid checks to the governing body for audit, and allowance of the amount from the contributing funds. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore the petty cash fund to its original amount, for use as herein provided. (*Ord. 6880, Adop. 5/11/82*)

### Sec. 2-102 Payroll deductions.

The city manager, or his duly authorized representative, may withhold from the salaries of officers and employees of the city, such sums as such officers or employees may authorize in writing. (*Ord. 4835, Adop. 9/18/61*)

**Sec. 2-103 Effect of state public employer-employee relations law.**

The city hereby elects to come under the provisions of sections 75-4321 to 75-4335, inclusive, of the Kansas Statutes Annotated, being the Public Employer-Employee Relations Law of the state. (*Ord. 6275, Adop. 1/30/73*)

**Sec. 2-104 Inspection and copying of public records.**

a. It is the purpose of this section establish reasonable fees and charges for the inspection and copying of open public records of the City so as to avoid the use of general funds of the City to subsidize special services and benefits to a records requester. Official records custodians shall periodically recommend to the Governing Body such changes in this section as they deem necessary to secure this purpose.

b. Whenever a request is made for access to public records, an access fee of \$12.00 per hour shall be charged for employee time required in providing access to or furnishing copies of those records. Readily accessible records shall be accessible without fee.

c. A fee of 25¢ per page shall be charged to cover the cost of labor, materials and equipment used in photocopying public records. Such copying fee shall be in addition to any fee charged for inspection of such records or for preparing them to be copied or inspected. For copying public records which cannot be reproduced by the City's equipment or which require special scheduling of personnel, the requester shall be charged the City's actual cost, including staff time, for reproducing such records.

d. Payment of fees.

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

2. A records custodian may demand prepayment of the fees established by this code whenever he or she believes this to be in the best interest of the City; provided, that prepayment shall not be demanded for the purpose of discouraging inspection or copying of public records. The prepayment required shall be the custodian's estimate of the inspection and/or copying fees which will be accrued in responding to the records request. Any variance between the actual amount of the fees and the amount of the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

3. Prepayment of inspection or copying fees shall be required whenever the records custodian's estimate of the cost of responding to a records request exceeds \$25.00.

4. When prepayment is demanded by the records custodian, no record shall be made available to the requester until such prepayment has been made. (*§b-c Ord. 2000-37, Adop. 11/28/03; Ord. 6945, Adop. 1/03/84*)

## **Article II. Governing Body**

### **Sec. 2-201 Composition; elections of members.**

a. The governing body of the City of Hutchinson, Kansas, shall consist of five (5) council members with one (1) elected at large by the City as a whole and four (4) elected by districts. At every regular city election, there shall be elected two district council members for a term of four (4) years each and one (1) council member elected by the city as a whole to a two (2) year term.

b. No person shall be eligible to be elected to or serve as a council member of the City of Hutchinson, Kansas, for more than two (2) consecutive four (4) years terms and no more than three (3) consecutive terms regardless of the length of the terms. After serving the maximum allotted time in office one must remain out of office for a period of at least four (4) years in order to again become eligible to hold their previous office. Service for more than one-half of any term counts as a full term. (*Ord. 7447, Adop. 11/15/94; Charter Ord. 38, Adop. 12/09/94*)

### **Sec. 2-202 Districts.**

a. The governing body shall, by ordinance, divide the city into four (4) districts to be called the Northwest, Southwest, Northeast and Southeast districts. Said districts shall be as nearly equal in population, and as compact and contiguous as is practical. Dividing lines between districts shall follow precinct boundaries. Every eight (8) years thereafter, the governing body of the city shall adjust district boundaries to reflect approximately equal population.

b. Candidates for council members from a district shall have been residents of the district for which they seek election for at least six months prior to their election and continue to reside in the district during their term of office. Qualified voters signing a petition for the candidacy of a council member for a district shall be residents of such district. Only the qualified voters of a district shall vote upon the office of council member from that district. (*Charter Ord. 38, Adop. 12/09/94*)

### **Sec. 2-203 General Powers.**

All powers of the city shall be vested in the governing body, except as the Constitution and the Statutes of Kansas or Charter Ordinances may otherwise provide. The governing body shall provide for the performance of all duties and obligations imposed on the City by law. The governing body shall adopt such codes, rules and regulations as may be necessary for the establishment of proper authority and direction for the administration of the affairs of the city. The governing body shall employ a City Manager. The governing body shall set

priorities for budget preparation and adopt the annual budget of the city. It shall be the duty of the governing body to be the policy-making body of the city, to pass ordinances, resolutions and contracts needful for the welfare of the city, to provide for such offices as shall be necessary to carry out the business of the City and determine salaries for the same. (*Charter Ord. 38, Adop. 12/09/94*)

**Sec. 2-204 Mayor.**

The governing body, shall each year select the Mayor from its own members by a majority vote to serve a term of one (1) year. The Mayor shall be the titular head of the city and shall preside at all meetings of the council. The Mayor shall sign all ordinances and resolutions passed by the council and shall have all voting privileges of the council members.

It shall be the duty of the Mayor to sign all contracts authorized by the governing body before the city shall be liable thereon. He or she shall represent the city governing body at all official city functions, and shall be the official representative of the governing body at all meetings, conferences and negotiations relating to policy matters involving other governmental units and shall recommend governing body action relating thereto. The Mayor shall be the official representative of the governing body at all conferences and meetings with citizens' groups and organizations interested in promoting the welfare and development of the city, and shall recommend governing body action relative thereto. The Mayor may inform the governing body concerning questions of policy, and may make policy recommendations to the governing body. The Mayor shall be empowered to call special meetings as provided by law. (*Charter Ord. 38, Adop. 12/09/94*)

**Sec. 2-205 Salaries.**

The governing body shall by ordinance fix the salaries of the members of the governing body.

**Sec. 2-206 Qualifications and Vacancies.**

a. All members of the governing body shall be citizens of the United States and qualified electors of the city and must reside in the city at the time of election and reside in the city during the period he or she remains in office. The removal from the city of any member shall occasion a vacancy in such office.

b. When there is a vacancy in the office of Mayor, the Vice Mayor, upon being qualified, shall become Mayor to serve until the next regular city organization meeting.

c. A vacancy in any office of district council member shall be filled by the governing body until the next regular city election and a council member has been duly elected for the unexpired four-year term and has been qualified, or until the next regular city election and a council member has been duly elected for a full term and has been qualified.

d. A vacancy in any office of a council member elected by the city as a whole, shall be filled by the governing body until the next regular city election and a council member has been duly elected by the city as a whole for a full term and has been qualified. (*Charter Ord. 38, Adop. 12/09/94*)

**Sec. 2-207 Annual Organization Meeting.**

On the second meeting in January, the governing body shall:

a. Elect from one of its members by majority vote, a Mayor to serve until the next regular scheduled organization meeting.

b. Elect from one of its members by majority vote, a Vice Mayor who, in the absence, disability, or disqualification of the Mayor, shall become acting Mayor. Such council member shall retain all voting rights and other prerogatives as a council member while acting as Mayor.

(*Charter Ord. 51, Adop. 1/03/2017; Charter Ord. 38, Adop. 12/09/94*)

**Sec. 2-208 Prohibitions.**

a. Holding other office. No governing body member shall hold any other city office or city employment during the term for which the member was elected to the governing body. No former governing body member shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the member was elected.

b. Appointments and removal. Neither the governing body nor any of its individual members shall in the manner direct, supervise or require the appointment, promotion, transfer, assignment, demotion, discipline, lay off, suspension, discharge or removal of any officers or employees whom the city manager is empowered to appoint. Governing body members may express their view and fully and freely discuss with the city manager anything pertaining to appointment, promotion, transfer, assignment, demotion, suspension, discharge and removal of such appointive officers and employees.

c. Interference with administration. No member of the governing body shall directly interfere with the conduct of any department, except at the express direction of the council. The council and its members as individuals shall deal with appointive officers and employees solely through the city manager, but they may request information necessary for council work. (*Charter Ord. 38, Adop. 12/09/94*)

**Sec. 2-209 Duty to pass ordinances.**

a. Meetings. The governing body shall meet regularly once a week, unless the governing body shall determine that such a meeting is not necessary, or oftener if public business requires. A call signed by a majority of the governing body shall be sufficient warrant for a special meeting. Regular or special meetings shall always be open to the public.

b. Rules and journal. The governing body shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings.

c. Voting. Three (3) members of the governing body shall constitute a quorum. All governing body actions on the passage of ordinances shall be taken by affirmative vote of three or more members unless a greater or lesser number is required by a Charter Ordinance, by the Statutes of Kansas, or by the Constitution of Kansas. No affirmative action by the governing body of the City of Hutchinson shall be valid unless at least three (3) members vote in favor thereof, and an abstention shall not be counted as an affirmative vote. The votes of all governing body members shall be recorded in the journal.

d. The presiding officer shall have the power to preserve strict order and decorum at all meetings of the governing body.

e. Presentations to the governing body shall be made in the following manner:

1. Oral presentations. Any person may appear and, after first being recognized by the presiding officer, address the governing body with regard to matters then under consideration.

2. Oral presentation of written communication. Upon complying with the provisions of this section, interested persons may address the governing body by reading written petitions, communications relating to zoning, sewer, and street proceedings, hearings on protests, appeals and petitions, or similar matters, with regard to matters then under consideration.

3. Written communication. All interested parties or their authorized representatives may address the governing body by written communication with regard to matters then under consideration.

4. Agenda. Any person wishing to address the governing body regarding a topic which has not been placed on the governing body's agenda may request that such topic be placed on the agenda. Any matter not on the agenda may be considered and acted on by the governing body if a majority of the governing body members agree to consider the matter.

f. Procedure during public meetings.

1. Recognition by presiding officer. No person may address the governing body without first being recognized by the presiding officer.

2. Procedure. Each person addressing the governing body shall step to the microphone provided for the use of the public and for the record give his/her name and address in an audible tone of voice, state the subject he/she wishes to discuss, state whom he/she is representing if the appearance is made in a representative capacity and, unless further time is granted by a majority of the governing body, shall

limit his/her remarks to five (5) minutes. All remarks shall be addressed to the governing body as a whole and not to any member thereof. No person other than members of the governing body and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the governing body, without the permission of the presiding officer. No question may be asked of a governing body member or a member of the City staff without the permission of the mayor.

3. Spokesperson for group of persons. In order to expedite matters and to avoid repetitious presentations, whenever any group or persons wish to address the governing body on the same subject matter, the mayor may require that a spokesperson be chosen by the group to address the governing body and, in case additional matters are to be presented by any other member of said group, limit the number of such persons addressing the governing body.

4. Presentations after motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the governing body from the audience on the matter then under consideration without first securing permission to do so by a majority of the governing body.

g. Decorum at public meetings.

1. Members of the governing body. While the governing body is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the governing body nor disturb any member while speaking or refuse to obey the orders of the mayor. Members of the governing body shall not leave their seats during the meeting without first obtaining the permission of the mayor.

2. Employees. Members of the City staff and employees shall observe the same rules of order and decorum as are applicable to members of the governing body, with the exception that members of the City staff may leave their seats during a meeting without first obtaining the permission of the mayor.

3. Persons addressing the governing body. Any person making personal, impertinent, slanderous, or profane remarks or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceeding, shall be called to order by the mayor and, if such conduct continues may, at the discretion of the presiding officer, be ordered barred from further audience before the governing body during that meeting.

4. Members of the audience. No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting.

5. Persons authorized to be within the rail. No person except members of the governing body and the City staff shall be permitted within the rail without the consent of the presiding officer.

h. Enforcement of rules of procedure and decorum.

1. Warning. Any person shall, at the request of the presiding officer, be silent. If, after receiving such a request, a person persists in disturbing the meeting, the presiding officer may order such a person to remove himself/herself from the meeting. If such order is disregarded, the presiding officer may order the sergeant-at-arms or a member of the staff to remove such person.

2. Removal. The Chief of Police, or such member or members of the Police Department or such members of the City staff as the presiding officer may designate, shall be sergeant-at-arms of the governing body meetings. Such person or persons shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the governing body meeting. The sergeant-at-arms shall execute any lawful order given by the presiding officer for the purpose of maintaining order and decorum of a meeting, hearing or other proceeding. Any person who willfully resists enforcement of a removal order issued pursuant to this subsection shall be guilty of disorderly conduct.

3. Motions to enforce. Any member of the governing body may move to require the presiding officer to enforce these rules; an affirmative vote of a majority of the members of the governing body then present shall require such enforcement.

4. Adjournment. In the event that any meeting is willfully disturbed by a person or group of persons so as to render the orderly conduct of such meeting infeasible, and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned and the remaining business considered at the next regular meeting.

5. Cost of special meeting. If the matter being addressed prior to adjournment because of a disturbance is of such a nature as to demand immediate attention, the presiding officer or other authorized persons may call a special meeting and assess the cost of that meeting to the person or persons creating the disturbance, if such persons are identifiable.

*(§c Ord. 7459, Adop/4/04/95; § a-c Charter Ord. 38, Adop. 12/09/94)*

**Sec. 2-210 Powers of certain city officials concerning emergency conditions.**

a. Whenever an emergency exists as a result of a natural disaster or other act of God, act of terrorism, riots, general civil disobedience, mob action or any combination thereof, or the threat of the same, and it is deemed necessary in order to preserve the peace and order of the city and to protect the property of the citizens of the city, the mayor, or council member acting for the mayor shall have the power to do the following:

1. To declare hours of curfew for all persons, and during such hours of curfew all persons shall be at their homes and shall not be on the streets, alleys or other public areas of the city. The curfew shall be declared in a proclamation of the mayor or council member acting for the mayor, which proclamation shall be delivered to the chief of police, and shall then see that such proclamation is delivered to all news media within the city and who shall also use public address systems throughout the city and immediately notify the public by all means available of such proclamation and curfew and warn the public that any violation of the curfew shall be deemed a misdemeanor and violators will be arrested and prosecuted, provided, the mayor and other authorized person issuing such proclamation may exempt from such curfew certain persons whose presence on the streets, alleys, and other public areas of the city is deemed necessary.

2. To declare all or any business establishments to be closed and to remain closed until further order. Any person violating any of the above provisions after notice, and refusing to close and remain closed, shall be guilty of a misdemeanor. The mayor shall issue a proclamation which shall be delivered to the chief of police who shall inform such businesses of such proclamation.

b. In the absence of the mayor or in the event of his inability to act, the vice mayor. In the absence of the mayor and the vice mayor, or in the event of their inability to act, any member of the city council shall be authorized to act in the carrying out of the provisions of this section.

c. Any emergency proclaimed in accordance with the provisions of this section shall terminate 24 hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for a like period of time as the original period of time by the mayor or council member acting for the mayor and provided further, however, that such emergency may be extended for such additional periods of time as may be determined to be necessary by resolution of the governing body of the city.

d. In the event of a public emergency the chief of police shall have authority to temporarily close any and all streets, alleys and other public ways in the city to the public whenever in the opinion of the chief of police it is necessary in order to maintain the peace of such community.

e. Every person remaining at the place of any act of terrorism, natural disaster, unlawful assembly, civil disturbance or riot, after the same has been ordered to disperse by the police or other lawful authority, except those police officers and persons assisting them in attempting to disperse the same shall be deemed guilty of a misdemeanor. (*Ord. 2003-14, Adop. 4/08/03; Ord. 5668, Adop. 2/06/68*)

### **Article III. City Manager**

#### **Sec. 2-301 Appointment, Qualifications, Compensation.**

The governing body shall appoint a city manager to serve at the pleasure of the governing body and shall establish compensation of the city manager. The city manager shall be appointed primarily on the basis of executive, managerial and administrative qualifications as demonstrated by a verified record of training and experience in public administration and shall have such other qualifications as the governing body shall determine to be relevant and shall have an annual job review by the governing body. The city manager need not be a resident of the city at the time of appointment, but must reside in the city while in office. The terms and conditions of employment of the city manager shall be reduced to writing, and approved by the governing body shall retain the power to remove the city manager from office upon reasonable notice at their pleasure.

#### **Sec. 2-302 Acting City Manager.**

a. By written notice filed with the governing body, the city manager may designate, subject to approval of the governing body, a qualified appointive administrative officer to exercise the powers and perform the duties of city manager during any temporary absence or disability of the city manager.

b. In case of the death, removal, resignation or prolonged absence of the city manager an acting city manager shall be appointed by the governing body. Such acting city manager shall execute and perform the duties of the city manager and shall be responsible for the administration of all of the affairs of the city during such absence of the city manager or during such vacancy in the office of the city manager. (*Ord. 3449, Adop. 5/11/51*)

#### **Sec. 2-303 Powers and duties of the City Manager.**

The city manager shall be the chief administrative officer of the city, and shall be responsible to the governing body for administration of the city affairs placed in his or her charge by or under this Code. The city manager shall:

1. Provide assistance and advice to the governing body as needed;
2. After appropriate consultation with the governing body, prepare and submit a recommended annual budget to the governing body for final adoption, and be responsible for the administration of the budget after it goes into effect;

3. Make recommendations to the governing body on all matters concerning the welfare of the city;
4. Ensure that all ordinances, resolutions, codes, regulations, rules, policies, directions and acts of the governing body are faithfully enforced, administered and executed;
5. Appoint, promote, transfer, assign and demote, discipline, lay off, suspend, discharge or remove appointed officers and employees of the city. The city manager may authorize any appointive officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates of that officer;
6. Direct and supervise the administration of all offices and all appointive officers and employees of the city;
7. Attend all governing body meetings, unless excused by the governing body, and have the right to take part in discussions without the right to vote;
8. Countersign all warrants and combination warrants and checks issued by the director of finance;
9. Assist the governing body in the preparation of meeting agendas, ordinances, resolutions, rules, regulations and policies and in such matters as may be requested by the governing body;
10. Submit to the governing body and make available to the public periodic and annual reports on the financial and administrative affairs of the city and keep the governing body advised of the financial conditions and needs of the city;
11. Prepare and submit to the governing body annually recommendations for a capital development and financing program for the city.
12. Make such other reports as the governing body may require concerning the operations of city offices; and
13. Have such other powers and duties consistent with this Code as the governing body may prescribe. (*Charter Ord. 38, Adop. 12/09/94*)

#### **Article IV. Administrative Departments**

##### **Sec. 2-401 Creation.**

There are hereby created for the city the following administrative departments:

- a. Department of Law

- b. Department of Public Works and Engineering
- c. Department of Community Planning and Development
- d. Department of Safety - Police and Fire
- e. Department of Finance and Utility Billing
- f. Department of Human Resources
- g. Department of City Clerk

*(Ord. 4416, Adop., 3/28/58; Ord. 5536, Adop. 3/21/67)*

**Sec. 2-402 Administrative officers, employees, boards, etc.**

The affairs of the various departments shall be administered by officers and employees appointed by the City Manager, who shall serve at the pleasure of the City Manager and shall perform such duties as are directed by the City Manager, or as provided by ordinance or statute. *(Ord. 4416, Adop. 3/28/58; Ord. 5536, Adop. 3/21/67)*

**Article V. Planning Commission.**

**Sec. 2-501 Appointment and composition; qualifications, compensation and terms of members; vacancies.**

The mayor, with the consent of the governing body, shall appoint a city planning commission, which shall consist of nine taxpayers of which number, two members shall reside outside but within three miles of the corporate limits of the city, and the remaining members shall be residents of the city. Each member shall be appointed for a term of three years. Vacancies in the planning commission shall be filled by appointment for the unexpired term only. The members of the planning commission shall serve without compensation for their services. No member shall serve for more than two consecutive terms.

**Sec. 2-502 Meetings; officers; quorum; records.**

The members of the city planning commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their number as chairman and one as vice-chairman who shall serve for one year and until their respective successors have been selected. Special meetings may be called at any time by the chairman or in his absence by the vice-chairman. A majority of the planning commission shall constitute a quorum for the transaction of business. The planning commission shall cause a proper record to be kept of its proceedings.

**Sec. 2-503 Powers and duties generally.**

The powers and duties of the planning commission shall be to make plans and maps of the whole or any portion of the city and of any land outside the city, which in the opinion of the city planning commission bears relation to the planning of the city, and to make changes in such plans or maps when it deems such advisable. Such maps or plans shall show the planning commission's recommendations for new streets, alleys, ways, viaducts, bridges,

subways, parkways, parks, playgrounds or any other public improvements, and the removal, relocation, widening or extension of such public works then existing with a view to the systematic planning of the city. The planning commission may make recommendations to the governing body, concerning the location of street, transportation and communication facilities, agree upon a plan for the development of the municipality or any portion thereof, and such plan shall be submitted to the governing body for its consideration and action.

**Sec. 2-504 Submission and approval of plans, plats and replats.**

All plans, plats or replats of land laid out in building lots and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto which is not intended to be platted into lots or other designated tracts, and located within the city limits, or any addition or plan of streets or public ways located outside the city limits, provided such territory is within the same county in which the city is located and entirely or in part within three miles of the nearest point on the city limits, shall be submitted to the city planning commission for its consideration, and its recommendations shall then be submitted to the governing body for its official consideration and action. No such plat or replat or dedication or deed of street or public ways shall be filed with the register of deeds as provided by law until such plat or replat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the city planning commission and by the city planning commission to the governing body and by the governing body duly approved.

**Sec. 2-505 Adoption of regulations governing the subdivision of land.**

Before exercising the powers referred to in Sec. 2-503, the city planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper area of streets in relation to other existing or planned streets and to the mapped plan for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population including minimum width and area of lots.

**Article VI**

*Reserved (Repealed 6/07/2016 by Ord. 2016 – 9)*

## **Article VII. Disposition of Sales Tax**

### **Sec. 2-701 Sales Tax Revenue**

a. The governing body pledges to use annually a minimum of \$2,500,000 in sales tax revenues to reduce the City property tax mill levy; provided, that the annual contribution to property tax mill levy reduction shall be reduced to \$2,000,000 for any year in which federal revenue sharing is not available. The remainder of the funds shall be placed in a "Community Growth Account" which shall be a part of the City's general fund. A minimum of \$700,000 shall be annually pledged therefrom to create jobs and to finance public works capital improvements. Any remaining balance of undistributed sales tax revenues shall be used as directed annually by the governing body following the public hearing process provided for in this article.

b. The governing body pledges to publish annually and make available to the public the estimated sales tax revenues and proposed uses of those funds. The governing body shall hold a public hearing in conjunction with adoption of an annual budget before deciding the uses of sales tax revenues. The governing body pledges to hear and consider comments and suggestions made by interested individuals, special interest groups, advisory committees and other parties before deciding the uses of sales tax revenues.

*(Ord. 2009-22, Adop. 7/07/09; Ord. 7299, Adop. 6/12/90; Ord. 7450, Adop. 1/17/95)*

## **Article VIII.**

Reserved *(Repealed by Ord. 2007-02, Adop. 2/06/07)*

## **Article IX.**

Reserved *(Repealed by Ord. 2006-28, Adop. 8-15-06)*

## **Article X. Municipal Band**

### **Sec. 2-1001 "Band" defined.**

For the purposes of this article, "band" means any organization which, in the opinion of the City's governing body, is capable of (1) presenting worthwhile and entertaining concerts or other musical programs or (2) broadening or otherwise enhancing the musical and cultural alternatives available within the community by improving coordination among existing programs, sponsoring development of new programs or otherwise. *(Ord. 7313, Adop. 9/18/90)*

**Sec. 2-1002 Annual contracts for hire of band.**

The governing body may annually negotiate and enter into written contracts with the authorized officials of band organizations, providing for their employment in the giving of concerts or musical services upon such terms and conditions as shall be stipulated and provided for in such contract. *(Ord. 7393, Adop. 5/18/93)*

**Article XI. Investment of Temporarily Idle Funds of the City**

**Sec. 2-1101 Investment of idle city funds.**

Any moneys in the custody of the city treasurer and not immediately required for the purposes for which the moneys were collected or received, may be invested in such manner and for such term as may from time to time be authorized by the laws of Kansas pertaining to investment of municipal funds. *(Ord. 7286, Adop. 9/26/89)*

**Sec. 2-1102 Records and reports; restrictions on investment.**

The city manager shall submit to the governing body a quarterly report of the city's investment program. This report shall contain information regarding the amount of moneys invested, the maturity date of the investment, and the annual rate of interest of each security. The city manager shall provide an investment program which shall limit the amounts invested and schedule the maturities of investments so that at all times the city will have sufficient funds available in demand deposits in its depository banks to assure prompt payment of obligations. All provisions of K.S.A. 10-1201 through 10-1213, shall be fully complied with and followed. *(Ord. 5958, Adop. 2/17/70; Ord. 4832, Adop. 9/11/61)*

**Sec. 2-1103 Custody and safekeeping of securities.**

Securities purchased pursuant to this article shall be under the joint care of the city clerk, city treasurer and city manager and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officers in a safety deposit box of the city, in a bank or trust company. Such securities shall be held in the name of the city and their redemption or withdrawal shall be permitted only upon the written instruction of at least two such city officers. *(Ord. 5958, Adop. 2/17/70; Ord. 4832, Adop. 9/11/61)*

**Sec. 2-1104 Disposition of earnings.**

a. Except as otherwise provided in this section, interest or earnings on investments made pursuant to this article shall be credited to the general operating fund of the City.

b. Interest or earnings on moneys deposited to the following funds or accounts shall be credited only to the fund or account in which such moneys are deposited:

1. Risk Management Reserve Fund
2. Workers' Compensation Reserve Fund;
3. Water Fund;
4. Sewer Fund;
5. Any fund or account used exclusively for deposit of the proceeds of grants designated or earmarked for a specific project or projects; and
6. Any other fund or account, if the ordinance establishing the same requires interest thereon to be credited to such fund or account.  
(*Ord. 7312, Adop. 9/11/90; Ord. 7274, Adop. 4/04/89; Ord. 5958, Adop. 2/17/70*)

**Sec. 2-1105 Sale of securities.**

If, in order to maintain sufficient moneys on demand deposit in any fund as provided in Sec. 2-1402, it becomes necessary to sell any securities of such funds, any two or more of the officers specified in Sec. 2-1403 may sell such securities. For such purposes such officers shall have authority to make any necessary written directions, endorsements or assignments for and on behalf of the city. And such sales shall be reported in writing to the governing body at its regular meeting after such sale. (*Ord. 5958, Adop. 2/17/70; Ord. 4832, Adop. 9/11/61*)

**Article XII. Public Building Commission**

**Sec. 2-1201 Appointment and composition; qualifications and terms of members.**

The public building commission shall be composed of seven members, one of whom shall be the state architect. Three of the members of the public building commission shall at the time of their appointment to the commission be duly elected, qualified and acting members of the board of county commissioners. Three of the members of the public building commission shall at the time of their appointment to the commission be duly elected, qualified and acting members of the city council. All members of the public building commission shall be appointed by the mayor with approval of the city council and for terms of two years each. (*Ord. 5833, Adop. 1/28/69*)

**Sec. 2-1202 To be a municipal corporation.**

The public building commission created in Sec. 2-1201 shall be a municipal corporation and shall have all powers and authorities set forth in K.S.A. 12-1757 and any subsequent amendments thereto. (*Ord. 5833, Adop. 1/28/69*)

**Sec. 2-1203 Purpose; powers and functions.**

The public building commission shall be and is hereby created for the following purposes and shall be and is hereby authorized to exercise the following powers and functions:

a. To acquire a site or sites, construct, equip, and furnish a building or buildings, or to purchase or otherwise acquire a building or buildings or other facilities for federal, state and county governmental agencies or for any municipal corporation, quasi-municipal corporation, political subdivision or body politic or agency thereof;

b. To rent all or any part of the building or buildings to any federal, state or county governmental agency or to any municipal corporation, quasi-municipal corporation, political subdivision or body politic or agency thereof, and further to rent any space as may not be needed by such governmental agencies as provided by law;

c. To acquire fee simple title to real estate including easements and reversionary interests in streets, alleys and other public places and personal property required for its purposes, by purchase, gift, devise, or by the exercise of the power of eminent domain, and to take title in the corporate name of the commission;

d. To borrow money and issue revenue bonds in the manner provided by law for the purpose of paying the cost or a portion of the cost of acquiring real estate and constructing, equipping and furnishing buildings thereon and to pledge the net revenues of the facilities to secure such revenue bonds and to make covenants with respect to the maintenance, operation, repair and insuring of improvements thereon;

e. To repair, maintain and operate the buildings;

f. To sue and be sued;

g. To adopt a seal;

h. To convey title to real estate;

i. To do all things and acts necessary or convenient to carry out the powers granted to it under this section and under K.S.A. 12-1757 and any subsequent amendments thereto; provided, however, that under no circumstances shall any income of the public building commission insure to the benefit of any private person.

*(Ord. 5833, Adop. 1/28/69)*

**Sec. 2-1204 Duties.**

Subject to the provisions of all other sections of this chapter, the public building commission shall provide for the construction as required of a new building or buildings, shall prepare all leases required in connection therewith and shall arrange for all financing of such building or

buildings including the site or sites, construction, equipping and furnishing and all rentals, payments and revenue bond debt service requirements. (Ord. 5833, Adop. 1/28/69)

## **ARTICLE XIII HOUSING AUTHORITY.**

### **Sec. 2-1301 Title.**

This article shall be known as the "Housing Authority," may be cited as such, and will be referred to herein as "this article." (Ord. 7145, Adop. 9/13/88)

### **Sec. 2-1302 Statement of Purpose.**

a. The governing body hereby declares and determines that it is in the public interest within Hutchinson to aid the production and maintenance of decent, safe and sanitary housing; the creation and maintenance of desirable neighborhoods; and the development of a stable and adequate supply of housing units which serve households of all income levels.

b. The purposes of this article is to address and find solutions for the following conditions:

1. In the City of Hutchinson there exist unsanitary, unsafe, and overcrowded dwelling accommodations and there is a shortage of decent, safe or sanitary dwelling accommodations available at rents or prices which low income persons can afford. Such shortages force low income persons to occupy unsanitary, unsafe and overcrowded dwelling accommodations.

2. These conditions cause an increase in and spread of disease and crime and contribute to deterioration of the health, safety, morals and welfare of City residents.

3. These conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities.

c. The shortage of decent, safe and sanitary dwellings for persons of low income may be relieved in part through the funding provided by the State of Kansas, the Federal Government and private enterprise.

d. The purposes of this article will be achieved by, among other things:

1. The construction of projects that would make housing available for persons of low income;

2. The clearance, replanning, and rebuilding of deteriorating areas;

3. The providing of safe and sanitary dwelling accommodations for persons of low income;

4. The provision of rent and ownership subsidies; and

5. Closely correlating residential construction activity with general economic activity.

e. It is hereby declared that such activities listed in paragraph "d" above are public uses and purposes for which public money may be spent and private property acquired and are functions of the City of Hutchinson's concern.

*(Ord. 7145, Adop. 9/13/88)*

### **Sec. 2-1303 Definitions.**

For the purpose of this article, certain terms and words are hereby defined. The following terms, wherever used or referred to this article, shall have the following respective meanings, unless a different meaning clearly appears from the context:

**"Area of operation"** shall include the corporate city limits of the City of Hutchinson.

**"Bonds"** shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the City of Hutchinson or an authority pursuant to this article.

**"Clerk"** shall mean the City Clerk charged with the duties customarily imposed on such clerk.

**"Elderly person"** shall mean a single person that has attained the age of sixty-two or older. Families or households shall be considered "elderly" if the head of the family or household, or the spouse of the head, has attained the age of sixty-two or older.

**"Executive Director"** shall mean an individual hired to act as the director of the housing authority.

**"Federal government"** shall include the United States of America or any other agency or instrumentality, corporate or otherwise, of the United States of America.

**"Governing body"** shall mean the City Council in which is vested legislative authority customarily imposed on the Board of the City Council.

**"Housing authority" or "authority"** shall mean the Housing Authority of the City of Hutchinson.

**"Housing program" or "program"** shall mean any work or undertaking to provide decent, safe and sanitary dwellings, apartments or other living accommodations for persons of low income. Such work or undertaking may include the acquisition of buildings, land, equipment, facilities, and other real or personal property. Such work or undertaking also may include the

development of necessary, convenient or desirable appurtenances, streets, sewers, water service, utilities, parks, site facilities, and landscaping. Housing programs may include administrative, community, health, recreational, welfare, and other services. The term "housing program" or "program" also may be applied to the planning of the buildings and improvements, the demolition of existing structures, the construction, reconstruction, alteration or repair of the improvements and all other work in connection therewith. The term "housing program" or "program" shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing program.

**"Mayor"** shall mean the Mayor of the City thereof charged with the duties customarily imposed on the Mayor of the City.

**"Municipality"** shall mean the City of Hutchinson.

**"Obligee"** shall include any bondholder, agent or trustee for any bondholder, or lessor demising to the City of Hutchinson property used in connection with a program, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the City of Hutchinson in respect to a housing program.

**"Persons of low income"** shall mean persons or families who lack the amount of income which is necessary (as determined by the City) to enable them without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding.

**"Real property"** shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years.

**"Slum"** means any area where dwellings predominate which by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors are detrimental to safety, health and morals.  
(Ord. 7145, Adop. 9/13/88)

#### **Sec. 2-1304 Creation of a Housing Authority.**

The Housing Authority of the City of Hutchinson is hereby created. The authority shall consist of five commissioners. Commissioners shall either be residents of the City or own property within the City. The authority shall be composed of both professional and lay commissioners, all of whom have demonstrated an interest, knowledge, or training in fields closely related to housing concerns and issues. The executive director shall maintain a record of the credentials of the commissioners. (Ord. 7145, Adop. 9/13/88)

#### **Sec. 2-1305 Appointment of Commissioners; Qualifications, Terms, Compensation, Meetings, Officers.**

The Mayor with the consent of the Governing Body, shall appoint all commissioners of the authority. Each commissioner shall be appointed to a term of four years except, of those first appointed, one shall serve a one year term, one shall serve a two year term, one shall serve a three year term, and two shall serve a four year term. All vacancies shall be filled for the unexpired term and appointments to fill a vacancy shall be made by the Mayor with the consent of the City Council. *(Ord. 7145, Adop. 9/13/88)*

#### **Sec. 2-1306 Rules of Procedure.**

The authority shall adopt rules of procedure. The rules of procedure shall specify attendance requirements and cover potential conflicts of interest for commissioners. The rules of procedure shall be available for public inspection. All meetings of the authority shall be open to the public. Minutes of all meetings shall be kept by the executive director and shall be available for public inspection. The executive director shall provide a copy of the minutes of each authority meeting to the Governing Body. *(Ord. 7145, Adop. 9/13/88)*

#### **Sec. 2-1307 Officers.**

a. The authority shall elect a chairman and vice-chairman from its members. The executive director shall serve as secretary of the authority. In the absence of the chairman or vice-chairman, the secretary may convene a meeting of the authority. In such case, the first order of business shall be to elect a temporary chairman who shall conduct the meeting. The chairman and vice-chairman shall serve for a term of one year. The chairman and vice-chairman may succeed themselves. The chairman or vice-chairman may resign from office. In such event, the commission shall elect another member for the unexpired term of office.

b. A commissioner shall receive no compensation for his or her services, but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the office of the clerk and this certificate shall be conclusive evidence of the due and proper appointment of the commissioner. *(Ord. 7145, Adop. 9/13/88)*

#### **Sec. 2-1308 Removal of Commissioners.**

For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by the Mayor or the Governing Body; but a commissioner shall be removed only after a hearing before the City Council and after he or she shall have been given a copy of the charges at least ten days prior to the hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk. *(Ord. 7145, Adop. 9/13/88)*

#### **Sec. 2-1309 Meetings.**

The times, dates, and locations of authority meetings may be established by the chairman or a majority of the commissioners. The chairman, or in the absence of the chairman, the vice-chairman shall approve meeting agendas before the meeting. A simple majority of commissioners shall constitute a quorum of the authority. There must be a quorum present before the authority may take any formal action but commissioners may discuss items of business in the absence of a quorum. *(Ord. 7145, Adop. 9/13/88)*

### **Sec. 2-1310 Annual Report.**

The authority shall prepare an annual report of its activities during a calendar year. The executive director shall provide a copy of the annual report to the Governing Body by May 1 of the following calendar year. A copy of the annual report will shall be available for public inspection. *(Ord. 7145, Adop. 9/13/88)*

### **Sec. 2-1311 Advisory Boards.**

For the purpose of coordinating City activities and undertakings under this code with the needs and undertakings of other local organizations and groups, the Governing Body may establish an advisory board consisting of the chairman of the housing authority, if there be one, and of sufficient members to represent, as far as practicable, the general public, consumers of housing, general business interests, real estate, building and home financing interests, labor, the Community Improvement Commission, the public health agency, any official planning body in the locality, and church and welfare groups. The members of the advisory board may be appointed by the Mayor and approved by the Governing Body. *(Ord. 7145, Adop. 9/13/88)*

### **Sec. 2-1312 Authority and Responsibilities.**

The Governing Body hereby delegates to the Housing Authority the following powers:

a. To prepare, carry out, and operate housing programs and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing or any part thereof but in carrying out of the municipal law under the provisions of this code and except as otherwise provided in individual utility franchise ordinances, public utilities whether publicly or privately owned shall not be required to locate, relocate, remove or readjust utility facilities and services without just compensation.

b. To undertake and carry out studies and analyses of the housing needs and ways to meet such needs including the collection of data available to the public and the building, housing and supply industries, (with respect to population and family groups and the distribution thereof according to income, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting local housing needs) and to engage in research and disseminate information on housing and slum clearance.

c. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing program or the participants therein; and (notwithstanding anything to the contrary contained in this code or in any other provision of law) to agree to any conditions which the federal government may have attached to its financial aid of the project.

d. To lease or rent any dwellings, accommodations, lands, buildings, structures or facilities embraced in any project (subject to the limitations contained in this code with respect to the rental of dwellings in housing programs) and to establish and revise the rents or charges therefore.

e. Upon and with the express approval of the Governing Body to own and hold real or personal property; to purchase, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain by the City of Hutchinson any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein.

f. Upon and with the express approval of the Governing Body and from time to time, to issue bonds for the purposes of this code and to issue refunding bonds for the purpose of paying or retiring bonds previously issued.

g. To insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of federal or state government insurance or guarantees of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

h. To invest any reserve or sinking funds held in connection with a housing program which are not required for immediate disbursements, in investments authorized by K.S.A. 1977 Sup. 12-1675, and amendments thereto, in the manner prescribed therein or in direct obligations of the United States government or any agency thereof; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than such redemption price, all bonds so redeemed or purchases to be canceled.

i. To determine where slum areas exist or where there is unsafe, unsanitary or overcrowded housing; to make studies and recommendations relating to the problem of clearing, replanning and reconstruction of slum areas and the problem of eliminating unsafe, unsanitary or overcrowded housing and providing dwelling accommodations for persons of low income; and to cooperate with any state public body in action taken in connection with these problems.

j. With the express prior approval of the Governing Body, which may grant such approval for a specific case, for a class of cases or otherwise as it deems appropriate, to conduct examinations and investigations. To effectuate such power, the Authority may:

1. Hear testimony and take proof under oath at public or private hearings on any matter material for its information;

2. Administer oaths;

3. Issue subpoenas requiring the attendance of witnesses or the production of books and papers;

4. Issue commissions for the examination of witnesses who are outside of the state or unable to attend or excused from attendance;

5. Make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or unsanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

k. To insure or provide for the insurance of any housing project of the municipality against such risks as such municipality may deem advisable.

l. To prepare plans and provide assistance of all kinds for the relocation of families displaced from a slum or blighted area by the municipal housing law, and to provide adequate recreational facilities, in the over-all plan of the municipal housing area.

m. Hire staff;

n. To prepare an annual report, providing a copy to the Governing Body;

o. To exercise all or any part or combination of powers herein granted.  
(Ord. 7145, Adop. 9/13/88)

### **Sec. 2-1313 Operation of Housing Programs.**

a. It is hereby declared to be the policy of the City that the housing authority shall manage and operate its housing programs in an efficient manner so as to enable it to fix the rentals or payments for dwelling accommodations at low rates consistent with its providing decent, safe and sanitary dwelling accommodations for persons of low income. The housing authority shall not operate any housing program in a for profit manner or as a source of revenue to the municipality. To this end the housing authority shall fix the rentals or payments for dwellings in its programs at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts in connection with or for such programs from whatever sources derived, including federal financial assistance) will be sufficient:

1. To pay, as the same become due, the principal and interest on any bonds issued pursuant to this code;

2. To create and maintain such reserves as may be required to assure the payment of principal and interest as it becomes due on such bonds;

3. To meet the cost of, and to provide for, maintaining and operating the programs (including necessary reserves therefor and the cost of any insurance and of administrative expenses); and

4. To make such payments in lieu of taxes and, after payment in full of all obligations for which federal annual contributions are pledged, to make such repayments of federal and local contributions as it determines are consistent with the maintenance of the low-rent character of programs.

b. Rentals or payments for dwellings shall be established and the programs administered insofar as possible, so as to assure that any federal financial assistance required shall be strictly limited to amounts and periods necessary to maintain the low-rent character of the programs. Nothing herein shall be construed to limit the amount an authority may charge for non-dwelling facilities. All such income, together with other income and revenue, shall be used in the operation of the programs to aid in accomplishing the public purposes of this code.

*(Ord. 7145, Adop. 9/13/88)*

#### **Sec. 2-1314 Determinations by Housing Authority.**

In determining whether dwelling accommodations are unsafe or unsanitary, the housing authority shall take into consideration the physical condition of the dwelling accommodations, the degree of overcrowding, the size and arrangement of the rooms, the adequacy of sanitary facilities and water supply, and the extent to which conditions exist in the buildings which endanger life or property by fire or other causes. *(Ord. 7145, Adop. 9/13/88)*

#### **Sec. 2-1315 Housing Rentals and Tenant Admission.**

a. The housing authority shall:

1. Rent or lease the dwelling accommodations in a housing program or otherwise provide housing assistance only to persons of low income and at rentals within the financial reach of such persons;

2. Rent or lease or provide housing assistance to a tenant for such dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and

3. Fix income limits for occupancy, rents and program participation after taking into consideration the family size, composition, age, physical handicaps, and

other factors which might affect the rent paying ability of the family, including the economic factors which affect the financial stability and solvency of the program.

b. In computing the rental for this purpose of admitting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking fuel and other necessary services or facilities, whether or not the charge for such services and facilities is included in the rental.

c. The authority shall give a preference to those persons who occupied dwellings which were razed so that a slum could be cleared or housing could be constructed and to elderly persons whether or not so displaced, and who desire to participate in a housing program, if such persons are otherwise qualified to participate in such housing program. Notwithstanding the provisions hereof, the authority may agree to conditions as to tenant eligibility or preference required by the federal government pursuant to federal law in any contract for financial assistance. Further, notwithstanding the provisions hereof, nothing herein shall be construed to limit the amount of rental that the authority may charge or the tenants that the authority may admit for non-dwelling facilities. All such rental, together with other income and revenue shall be used in the operation of the programs to aid in accomplishing the public purpose of this code.

d. Nothing contained in this or the preceding section shall be construed as limiting the power of the housing authority, with respect to a housing program, to vest in an obligee the right, in the event of a default by the City, to take possession or cause the appointment of a receiver thereof, free from all the restrictions imposed by this or the preceding section. *(Ord. 7145, Adop. 9/13/88)*

### **Sec. 2-1316 Acquisition of Property by Eminent Domain.**

The City shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this code after the adoption by the Governing Body of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. The City may exercise the power of eminent domain in the manner provided in article 5 of chapter 26 of Kansas Statutes Annotated and any acts amendatory thereof or supplemental thereto. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the State of Kansas or a Kansas public body be acquired without its consent. *(Ord. 7145, Adop. 9/13/88)*

## **Sec. 2-1317 Aid and Cooperation in Planning and Operating Programs.**

For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of a housing program located within the area in which it is authorized to act, any Kansas public body may upon such terms, with or without consideration, as it may determine:

a. Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or other rights or privileges therein to the City, or the authority as agent thereof.

b. Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities or any other works which it is otherwise empowered to undertake, to be furnished in connection with a housing program.

c. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake.

d. Cause services to be furnished for a housing program of the character which such Kansas public body is otherwise empowered to furnish.

e. Enter into agreements with the City, or the authority as agent thereof, with respect to the exercise by such Kansas public body of its powers relating to the repair, elimination or closing of unsafe, unsanitary or unfit dwellings.

f. Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of a housing program.

g. Incur the entire expense of any public improvements made by such Kansas public body.

h. Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the City, or the authority as agent thereof, respecting action to be taken by such Kansas public body pursuant to any of the powers granted by this code.

i. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a Kansas public body without appraisal, public notice, advertisement or public bidding.

*(Ord. 7145, Adop. 9/13/88)*

**Sec. 2-1318 Municipal Housing; Exemption from Special Assessments; Payments in lieu of Taxes.**

The property acquired or held pursuant to this code is declared to be public property used exclusively for essential public purposes and such property shall be exempt from all special assessments of the state or of any state body as provided for in state law. In lieu of taxes on such property the City or authority shall agree to make payments to the state or a Kansas public body (including itself) as it finds consistent with the maintenance of the low-rent character of housing programs and the achievements of the purposes of this code. (*Ord. 7145, Adop. 9/13/88*)

**Sec. 2-1319 Planning, Zoning and Building Laws.**

All programs of the housing authority shall be subject to the planning, zoning, sanitary, and building laws, ordinances and regulations applicable to the location in which the program is conducted. (*Ord. 7145, Adop. 9/13/88*)

**Sec. 2-1320 Municipal Housing Law and Issuance of Revenue Bonds.**

a. Upon and with the express approval of the Governing Body, the authority shall have power to issue bonds from time to time for any of the purposes of this code. Upon and with the express approval of the Governing Body the housing authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it in the manner prescribed by and subject to the provisions of K.S.A. 1977 Supp. 10-116a. The authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable exclusively from the income and revenues of certain designated housing programs whether or not they are financed in whole or in part with the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any loan, grant or contribution or parts thereof from the federal government or other source, or a pledge of any income or revenues connected with a housing program or a mortgage of any housing structure.

b. Neither the commissioners of the housing authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof hereunder. The bonds and other obligations issued under the provisions of this code (and such bonds and obligations shall so state on their face) shall be payable solely from the sources provided in this section and shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and shall not, under any circumstances, debt limitation, or restriction become general obligations of the City or authority. Bonds issued pursuant to this code are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. The tax exemption provisions of this code shall be considered part of the security for the repayment of bonds and shall constitute, by virtue of this code and without the necessity of the same being restated in said bonds, a contract between the bondholders and each and every one thereof,

including all transfers of said bonds from time to time on the one hand and the issuing said bonds on the other.

*(Ord. 7145, Adop. 9/13/88)*

**Sec. 2-1321 Bonds of Housing Authority; Resolution; Terms and Conditions.**

a. Bonds of the authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding the maximum rate prescribed by K.S.A. 1981 Supp. 10-1009, to be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or private sale at not less than par.

b. In case the councilmembers or officers of the municipality or authority whose signatures appear on any bonds or coupons shall cease to be such councilmembers or officers before the delivery of the bonds, their signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the councilmembers or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this code shall be fully negotiable.

c. In any suit, action or proceedings involving the validity or enforceability of any bond issued pursuant to this code or the security therefore, any such bond reciting in substance that it has been issued by the authority pursuant to this code shall be conclusively deemed to have been issued for such purpose and the housing program in respect to which such bond was issued shall be conclusively deemed to have been issued for such purpose and the housing program in respect to which such bond was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this code.

*(Ord. 7145, Adop. 9/13/88)*

**Sec. 2-1322 Bond Provisions; Trust Indentures; Mortgages.**

a. In connection with the issuance of bonds pursuant to this code or the incurring of obligations under leases made pursuant to this code and in order to secure the payment of the bonds or obligations, the authority, in addition to its other powers, shall have power to:

1. Pledge all or any part of the gross or net rents, fees or revenues of a housing program, financed with the proceeds of such bonds, to which its rights then exist or may thereafter come into existence.

2. Mortgage all or part of its real or personal property, then owned or thereafter acquired or held pursuant to this code.

3. Covenant against pledging all or any part of the rents, fees and revenues or against mortgaging all or any part of its real or personal property, acquired or held pursuant to this code, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; covenant with respect to limitations on the right to sell, lease or otherwise dispose of any housing project or any part thereof; and covenant as to what other, or additional debts or obligations may be incurred by it.

4. Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; provide for the replacement of lost, destroyed or mutilated bonds; covenant against extending the time for the payment of its bonds or interest thereon; and covenant for the redemption of the bonds and to provide the terms and conditions thereof.

5. Covenant (subject to the limitations contained in this code) as to the rents and fees to be charged in the operation of a housing program or programs, the amount to be raised each year or other period of time by rents, fees and other revenues, and the use and disposition to be made thereof; create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the moneys held in such funds.

6. Prescribe the procedure, if any, by which the terms of any contract with bond holders may be amended or abrogated, the proportion of outstanding bonds the holders of which must consent to such action, and the manner in which such consent may be given.

7. Covenant as to the use, maintenance and replacement of any or all of its real or personal property acquired pursuant to this code, the insurance to be carried thereon and the use and disposition of insurance moneys.

8. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and covenant as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

9. Vest in any obligees of any specified proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; vest in an obligee or obligees the right, in the event of a default by the housing authority, to take possession of and use, operate or manage any housing program or any part thereof or any funds connected therewith, and to collect the rents and revenues arising therefrom and to dispose of such monies in accordance with the agreement between the housing authority and such obligees; provide for the powers and duties of such obligees and limit the liabilities thereof; and provide the terms and

conditions upon which such obligees may enforce any covenant or rights securing or relating to the bonds.

10. Exercise all or any part or combination of the powers herein granted; make such covenants (other than and in addition to the covenants herein expressly authorized) and do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said housing authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

b. This code, without reference to other statutes of the state, shall constitute full authority for the authorization and issuance of bonds hereunder. No other act or law with regard to the authorization or issuance of bonds or obligations that requires a bond election or in any way impedes or restricts the carrying out of the ordinances herein authorized to be done shall be construed as applying to any proceedings taken hereunder or ordinances done pursuant hereto.

*(Ord. 7145, Adop. 9/13/88)*

### **Sec. 2-1323 Remedies of an Obligee.**

An obligee of a authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon any such obligee:

a. By mandamus, suit, action or proceeding at law or in equity to compel the City or authority, and the commissioners, officers, agents or employees thereof, to perform each and every term, provision and covenant contained in any contract of the authority; with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the authority and the fulfillment of all duties imposed by this code; or

b. By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority.

*(Ord. 7145, Adop. 9/13/88)*

### **Sec. 2-1324 Additional Remedies Conferrable by the Housing Authority.**

The housing authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction to:

a. Cause possession of any real property or any part thereof to be surrendered to any such obligee.

b. Obtain the appointment of a receiver of any real property of the authority or any part thereof and of the rents and profits therefrom, and provide that, if a receiver be

appointed, he may enter and take possession of such real property or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and keep such monies in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct.

c. Require the authority and the officers, agents and employees thereof to account as if it and they were the trustees of an express trust.  
(*Ord. 7145, Adop. 9/13/88*)

### **Sec. 2-1325 Exemption of Property from Execution Sale.**

All property (including funds) owned or held by the authority for the purposes of this code shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the authority be a charge same nor shall any judgment against the housing authority be a charge or lien upon such property. Provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage or other security executed or issued pursuant to this code or the right of obligees to pursue any remedies conferred upon it pursuant to the provisions of this code. (*Ord. 7145, Adop. 9/13/88*)

### **Sec. 2-1326 Aid from the Federal Government.**

In addition to the powers conferred upon the authority by other provisions of this code, the City or the authority acting as its agent is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing program within its area of operation, to take over, lease or manage any project or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and enter into such contracts, covenants, mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this code to authorize the authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any housing program by the authority. To accomplish this purpose the authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government any provisions, which the federal government may require as conditions to its financial aid of a housing program, not inconsistent with the purposes of this code. (*Ord. 7145, Adop. 9/13/88*)

**Sec. 2-1327 Transfer of Possession or Title to the Federal Government.**

In any contract with the federal government for annual contributions to the authority, the authority may obligate itself (which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other law) to convey to the federal government possession of or title to real property to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the housing authority is subject; and such contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the housing program funds in accordance with the terms of such contract. Provided, that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the housing program have been cured and that the housing program will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the program as then constituted. *(Ord. 7145, Adop. 9/13/88)*

**Sec. 2-1328 Validity of Bonds; Certificate of Auditor of State.**

The authority may submit to the state auditor any bonds to be issued hereunder after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the state auditor, it shall be the duty of the state auditor to obtain the opinion of the attorney general upon the validity of such bonds and the regularity of all proceedings in connection therewith, and the state shall not register any such bonds except upon the written approval of the attorney general. If such proceedings confirm to the provisions of this code and are otherwise regular in form and if such bonds when delivered and paid for will constitute binding and legal obligations enforceable according to the terms thereof, the state auditor shall certify in substance upon the back of each of said bonds that it is issued in accordance with the constitution and laws of the state of Kansas. *(Ord. 7145, Adop. 9/13/88)*

**Sec. 2-1329 Administrator.**

The Commissioners of the Authority shall hire a paid individual to act as the executive director of the Housing Authority. The executive director is authorized to enforce and carry out all provisions of this code in cooperation with the Commissioners. *(Ord. 7145, Adop. 9/13/88)*

**Sec. 2-1330 Reports and Recommendations.**

At least once a year, the authority shall file with the clerk a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this code. *(Ord. 7145, Adop. 9/13/88)*

**Sec. 2-1331 Invalidity of Part.**

Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this code, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. *(Ord. 7145, Adop. 9/13/88)*

**Sec. 2-1332 Act Controlling; Administrative Actions.**

The provisions of this act shall be controlling, notwithstanding anything to the contrary contained in any other law of this city. Any action of the city or the councilmembers thereof in carrying out the purposes of this code, whether by resolution, motion or otherwise, shall be deemed administrative in character, and no public notice or publication need be made with respect to such action taken. *(Ord. 7145, Adop. 9/13/88)*

**Article XIV. Convention and Visitors Bureau Advisory Board**

**Sec. 2-1401 Creation.**

There is hereby created the Convention and Visitors Bureau Advisory Board (“the Board”) which shall make recommendations concerning programs and expenditures for the promotion of conventions and tourism. The composition and terms of the membership of the Board shall be established by resolution of the Governing Body.

The Governing Body may from time-to-time enter such contracts as it deems advisable for the purpose of implementing programs designed to encourage and enhance conventions and tourism within the community.

*(Ord. 2007-48, Adop. 10/16/07; Ord. 2006-01, Adop. 1/03/06; Ord. 7617, Adop. 3/16/99)*

**Article XV. Housing Commission.**

**Sec. 2-1501. Members.**

a. The Hutchinson Housing Commission shall consist of eleven members; nine voting members and two ex-officio, non-voting members.

b. All voting members shall be appointed by the Mayor with the consent of the Governing Body. Members shall include representatives from a broad range of housing-related disciplines including, but not limited to, landlords, tenants, realtors, homebuilders and lenders, with at least four positions reserved for at-large positions.

c. Voting members shall be appointed for terms of three years. All vacancies shall be filled for the unexpired term and no person shall serve for more than two consecutive three-year terms. Voting members must reside in Reno County, Kansas.

d. Non-voting members shall be appointed by Interfaith Housing Services and New Beginnings. Non-voting members will have no terms, term limits or residency requirements.

*(Ord. 2017-21, Adop. 9/05/2017; Ord. 2011-6, Adop. 4/05/2011; Ord. 7626, Adop. 6/01/99)*

**Sec. 2-1502. Function.**

The function of the Housing Commission shall be to identify housing problems and opportunities in the Hutchinson area and to develop, promote and support comprehensive solutions thereto. *(Ord. 7626, Adop. 6/01/99)*

**Article XVI. Municipal Equipment Reserve Fund.**

**Sec. 2-1601. General.**

In accordance with the provisions of K.S.A. 12-1,117, there is hereby established an equipment reserve fund, which shall be used by the City of Hutchinson, Kansas to finance, in whole or in part, any public equipment need set forth in the City's Municipal Equipment Reserve Fund. *(Ord, 7310, Adop. 8/21/90)*

**Sec. 2-1602. Uses.**

a. It is the policy objective of the Governing Body that such funds be used primarily to provide a financing mechanism to purchase new and replacement equipment. 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 equipment needs and to avoid the costs of unnecessary indebtedness.

b. Money in said fund may be used to purchase equipment including machinery, vehicles and any other personal property including, but not limited to, computer hardware and software, which the City is authorized to purchase for municipal purposes. *(Ord. 7310, Adop. 8/21/90)*

**Sec. 2-1603. Plan of Operation.**

a. The City Manager shall submit to the Governing Body a plan of operation for the implementation of this code. Such plan shall provide that the annual, revised and adopted Municipal Equipment Reserve Fund of the City to identify the equipment to be financed from the fund during the following year.

b. Beginning in 2000, the City Manager shall annually submit, at the same time and as part of the annual operating budget, such proposed revenue allocations and budget transfers as may be necessary (a) to finance the equipment scheduled for purchase next year, the cost of which is to be credited to the fund, as provided by the Municipal Equipment Reserve Fund, and (b) to set aside moneys to be annually reserved for future equipment purchases, as provided in the Municipal Equipment Reserve Fund.

(§a Ord, 7310, Adop. 8/21/90)

**Sec. 2-1604. Investment of Funds.**

Moneys in the Municipal Equipment Reserve Fund shall be invested in accordance with the provisions of K.S.A. 10-131 and K.S.A. Supp. 12-1675 and amendments thereto, with interest thereon credit to such fund. (Ord. 7310, Adop. 8/21/90)

**Article XVII. Land Bank**

**Sec. 2-1701 Purpose**

The purpose of creating the City of Hutchinson Land Bank is to implement the authority granted to the City's Governing Body, by K.S.A. 12-5901 et. seq. by the Kansas Legislature in 2009, to establish or dissolve a City Land Bank by adoption of an ordinance. The City Land Bank will be a quasi-governmental entity with the primary responsibility and authority to efficiently acquire, manage and transform vacant, abandoned, and tax-foreclosed property into productive use. The City Land Bank shall also be responsible for the acquisition of title to real estate, eliminate liabilities for said real estate, and provide proper disposition of acquired property.

**Sec. 2-1702 Definitions**

For the purpose of this Chapter the words set out in this Section shall have the following meanings:

- A. "City" means the City of Hutchinson, Kansas.
- B. "Board" means the Board of Trustees of the City Land Bank established pursuant to this Ordinance.
- C. "Bank" means the City Land Bank established pursuant to this Ordinance.
- D. "Governing Body" means the Governing Body of the City.

**Sec. 2-1703 Land Bank Board of Trustees; Appointment, Terms and Dissolution**

A. There is hereby established a Land Bank Board of Trustees. The Board shall be composed of five residents with expertise in land development, construction, development finance, real estate sales or marketing, real estate law, neighborhood growth and development, surveying or expertise related to the responsibilities of Land Bank operation. Board members shall be approved by the Governing Body.

B. The term of office of the members of the Board of Trustees shall be three years, except that initial appointments to the Board will be made as follows: one position for one year;

one position for two years; and one position for three years. The initial one year appointee shall be eligible to be reappointed to serve an additional two three-year terms.

C. Primary staff support to the Board of Trustees will be provided by the Director of Planning and Development or their designee. City staff will provide technical and professional support for Land Bank operations; additional support may be contracted as deemed necessary.

D. The Bank may be dissolved by ordinance of the Governing Body. In such case, all property of the Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.  
(Ord. 2017-5, Adop. 4/04/2017)

### **Sec. 2-1704 Land Bank Board; Organization**

A. The Board shall select, annually, from its membership, a chairperson, a vice-chairperson and a treasurer. The treasurer shall be bonded in such amounts as the Governing Body may require.

B. The Board may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

C. The Board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the City and shall be subject to the Kansas Open Meeting Act, K.S.A. 75- 4317 et seq., and amendments thereto.

D. A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present.

E. The members of the Board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of county officers and employees, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

F. Subject to the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of duties as a member of the Board, such member shall be indemnified in whole and held harmless by the Board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the Bank in any such proceeding.

### **Sec. 2-1705 Land Bank Board of Trustees; Powers and Duties**

The Land Bank Board of Trustees shall have the following powers and duties:

- A. To sue and be sued.
- B. To enter into contracts.
- C. To appoint and remove staff and provide for the compensation thereof.

D. To acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interest, and personal property, subject to the provisions of this Ordinance and state law. Any property acquired by the City, Reno County or any other city or taxing subdivision with Reno County may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this Ordinance or state law. The transfer of any property pursuant to this subsection shall not be subject to any bidding requirements and shall be exempt from any provisions of law requiring a public sale.

E. The fee simple title to any real estate which is sold to Reno County in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board may be transferred to the Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.

F. To rebate all, or any portion thereof, the taxes on any property sold or conveyed by the Bank.

G. The Board shall assume possession and control of any property acquired by it under this Ordinance or state law and shall hold and administer such property. In the administration of property, the Board shall:

1. Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;
2. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
3. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
4. Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;
5. Establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and

6. Thirty days prior to the sale of any property owned by the Bank, publish a notice in the official City newspaper announcing such sale.

H. To exercise any other power which may be delegated to the Bank by the Governing Body.

I. To exercise any other incidental power which is necessary to carry out the purpose of the Land Bank, this Ordinance and state law.

### **Sec. 2-1706 Land Bank Board of Trustees; Operational Requirements**

The Land Bank shall be subject to the following requirements:

A. The Bank shall be subject to the provisions of the Cash Basis Law, K.S.A.10-1101 et. seq., and amendments thereto.

B. The budget of the Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the State of Kansas. No budget shall be adopted by the Board until it has been submitted to, reviewed and approved by the Governing Body. If the Governing Body elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the Board with specific recommendations for reconsideration

C. The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Board.

D. All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-216 et seq., and amendments thereto.

E. Any moneys of the Bank which are not immediately required for the purposes of the Bank shall be invested in the manner prescribed by K.S.A. 12-1675, and amendments thereto.

F. The Bank shall make an annual report to the Governing Body on or before January 31 of each year, showing receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Bank. A copy of such inventory shall also be published in the official City newspaper on or before January 31 of each year.

G. The Bank shall be subject to the statutory requirements for the deposit of public money as provided in K.S.A. 9-1401 et seq., and amendments thereto.

H. The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to

such restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization.

I. The sale of any real property by the Board, under the provisions of this ordinance or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the Governing Body.

J. The Board, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.

K. Until sold or otherwise disposed of by the Bank, and except for special assessments levied by the City to finance public improvements, any property acquired by the Bank shall be exempt from the payment of ad valorem taxes levied by the State of Kansas and any other political or taxing subdivision of the state.

L. Except for special assessments levied by the City to finance public improvements, when the Board acquires property pursuant to this Ordinance and state law, the Reno County Treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the Board.

M. Property held by the Bank shall remain liable for special assessments levied by the City for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Bank.

N. The Governing Body may abate part or all of any special assessments which it has levied on property acquired by the Bank, and the Bank and the Governing Body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the County Treasurer as of the effective date of the abatement.

O. Any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof; provided, however, that the Board may use all or part of the proceeds from such sale to reimburse the City for delinquent special assessments due on such property.

*(Ord. 2013 – 34, Adop. 9/17/2013)*