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ORDINANCE NO. 1393

**AN ORDINANCE ENACTED BY THE GOVERNING BODY OF COLUMBUS, KANSAS, REPEALING ORDINANCE NO. 959, ORDINANCE NO. 1038, ORDINANCE NO. 1072, ORDINANCE NO. 1178 AND ORDINANCE NO. 1240 AND RE-ESTABLISHING THE POSITION OF CITY ADMINISTRATOR AND A REVISED POSITION DESCRIPTION.**

**WHEREAS, the establishment and function of the City Administrator position will provide positive, long-term benefits to the growth, progress and prosperity of the City of Columbus, Kansas.**

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

**SECTION 1: POSITION OF CITY ADMINISTRATOR.** There is hereby created and established the position of City Administrator for the City of Columbus, Kansas.

**SECTION 2: CONTRACTUAL TENURE.** A qualified person may be employed under contract as City Administrator upon the approval by the Governing Body of the City of Columbus. The Personnel Committee shall conduct interviews of applicants for the position of City Administrator, review the employment contract, and make recommendations to the City Council.

**SECTION 3: QUALIFICATIONS.** The person employed in the position of City Administrator shall have a residence within the corporate limits of the City of Columbus, Cherokee County, Kansas, at the time of the effective date of such employment, or not later than six months thereafter. "Residence" means the place which is adopted by a person as the person's place of habitation and to which whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence. In addition to having a residence within the corporate limits of the City of Columbus, Cherokee County, Kansas, the person employed in the position of City Administrator shall have the following experience, education and skills as determined by the City Council.

**EXPERIENCE.** At least three years of experience in management. The person in this City Administrator position is expected to demonstrate the skills necessary to perform this job well after six (6) months' tenure.

**EDUCATION.** A four (4) year bachelor degree from an accredited institution is required. Degree must be in public administration or business administration or have commensurate City Administration/Management experience.

**SKILLS.** Technical abilities include knowledge of public finance, law and organizational management including an understanding of public utilities, public safety and computer systems.

**SUPERVISION.** This position does not require daily supervision by the Mayor and City Council. Incremental performance is measured every four (4) months, and a comprehensive annual evaluation shall be conducted jointly by the Mayor and Personnel Committee. All performance and evaluation reviews and recommendations shall be presented to the Governing Body. The Mayor and Personnel Committee shall maintain the City Administrator's personnel file and exercise appropriate disciplinary authority over the City Administrator, including corrective action and suspension. Administrative actions relating to employee personnel matters are confidential and subject to the regulations established by the Kansas Open Records Act.

**SECTION 4. BOND.** The City Administrator, before entering upon the duties of his/her office, shall file with the City a bond in the amount of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00). Such Bond shall be approved by the City Council and such bond shall insure the City of Columbus, Kansas, for the faithful and honest performance of the duties of the City Administrator and for rendering a full and proper account to the City of Columbus, Kansas, for fund and property which shall come into the possession or control of the City Administrator. The cost of said Bond shall be paid by the City of Columbus, Kansas; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

**SECTION 5. INDEMNIFICATION.** The City shall defend, save harmless and indemnify the City Administrator against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of his/her duties as City Administrator through the City's general liability insurance policy, all as provided and required by K.S.A. 75-6103.

**SECTION 6. COMPENSATION.** The City Administrator shall receive such compensation as determined by his/her contract upon approval by the City Council.

**SECTION 7. REMOVAL OF CITY ADMINISTRATOR.** The City Administrator shall serve at the pleasure of the Governing Body of the City of Columbus, Kansas. The Governing Body may remove the City Administrator, as provided by the contractual agreement between the City and City Administrator.

## SECTION 8. DUTIES.

A) Administrative Office: The City Administrator shall be the chief administrative officer or agent of and accountable to the Mayor and City Council. Except as otherwise specified by ordinance or by law of the State of Kansas, the City Administrator shall be the purchasing agent for the City of Columbus, Kansas, and all purchases amounting to less than FOUR THOUSAND DOLLARS (\$4,000.00) shall be made under his/her general direction and supervision, and all such purchases be made in accordance with purchasing rules and procedures approved by the City Council.

B) Budget: The City Administrator shall be the budget officer of the City of Columbus, Kansas, and, with the assistance of all department heads, shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare, in cooperation with the City's accountant, a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be submitted as a proposal to the Budget Committee prior to the Committee's recommendation to the Mayor and City Council for final budget approval. The Administrator shall be responsible for the budget's administration after its adoption.

C) Financial Reports: The City Administrator shall provide a financial report to the Mayor and City Council at each regular City Council meeting relative to the financial condition of the City. Such report shall reflect the financial condition of the City in relation to the budget.

**D) Preliminary Annual Report: The City Administrator, in cooperation with the City's accountant, shall prepare a preliminary annual report of the City's affairs and present same to the Mayor and City Council at the City Council's first meeting in March of each year, including in such report a summary of reports of department heads and such other reports as the Mayor and City Council may require.**

E) Personnel System: The City Administrator shall act as the personnel officer of the City and shall submit proposed revisions and amendments of the position and classification system and pay plan to the Personnel Committee prior to the Committee's recommendation to the Mayor and City Council for final approval. The City Administrator shall consult with the department heads, and submit proposals regarding advancements and appropriate employee pay increases to the Personnel Committee prior to the Committee's recommendation to the Mayor and City Council for final approval. The City Administrator shall maintain updated job

descriptions for all job classifications and provide copies of all job descriptions and appropriate personnel file information to the City Clerk. **The City Administrator shall make recommendations to the Mayor, Personnel Committee and City Council concerning hiring and removal of department heads and appointment and removal of appointed officials. The City Administrator shall have the authority to hire laborers, seasonal and temporary employees after consulting with the City Superintendent or the appropriate department head.**

F) Chain of Command: The City Administrator is designated as the primary supervisory and managerial authority regarding all non-elected personnel of the City of Columbus, Kansas, whether they may be employees or appointed officers.

a) All department heads shall have such residual management and supervisory authority over matters of personnel within their departments, as delegated by the City Administrator, either verbally or in the form of written communication.

b) All City employees shall consult with their department heads regarding any matter concerning their employment before consulting with any other person. Should any employee be dissatisfied with the resolution of any matter taken to the department head, said City employee may then take said matter to the City Administrator, but only after notifying his/her department head.

c) The Mayor and City Council members shall not direct City employees or City appointed officials regarding any matter unless specifically authorized herein.

d) In the event that department heads need guidance or direction in regard to their duties or in regard to the supervision and management of personnel, they shall direct any such request to the City Administrator. Only after diligent efforts have been exhausted and they are unable to reach the City Administrator shall they refer said matters to the Mayor. The only matters to be referred to the Mayor in any event shall be those wherein, in the judgment of the department head, conditions create an imminent threat to the health and welfare of persons or property.

e) In the event City employees face circumstances which, in their judgment create an imminent risk to the health and welfare of persons or property, then they shall first make diligent efforts to get in touch with their department heads regarding direction in how to handle said circumstances. After exhaustion of said diligent efforts, and in the event they are unable to reach their department heads, they shall then make every diligent effort to contact the City Administrator. After exhaustion of diligent efforts to reach department heads and the City Administrator, they shall contact the Mayor about guidance and direction.

f) In the event interdepartmental disputes arise, said disputes shall be

resolved by the department heads of both departments meeting jointly and in the presence of each other with the City Administrator. If the department heads are unable to reach agreement, then the matter shall be determined by the City Administrator. Any department head who feels that he/she has been aggrieved by the decision of the City Administrator may appeal the City Administrator's decision to the City Council by filing a written notice of appeal with the City Clerk within five (5) working days of the City Administrator's decision; and thereupon the City Council shall hear and decide the dispute between department heads.

**SECTION 9. POLICY FORMULATION.** The City Administrator shall recommend to the Mayor and City Council adoption of such measures as he/she may deem necessary or expedient for the health, safety or welfare of the City or for the improvement of administrative services for the City.

**SECTION 10. CITY COUNCIL AGENDA.** The City Administrator shall submit or cause to be submitted to the Mayor and City Council a proposed agenda for each council meeting at least seventy-two (72) hours before the time of the regular council meeting.

**SECTION 11. COUNCIL AND COMMITTEE MEETINGS.** The City Administrator shall work with and attend all meetings of the City Council and committees to help coordinate the work of each, unless excused by the Mayor or excused by the President of the Council in the absence of the Mayor, from attending council meetings or unless excused by the Council Committee Chairperson from attending Council committee meetings. The City Administrator shall give a report at each Council meeting concerning the affairs and business of the City unless excused therefrom by the presiding officer.

**SECTION 12. BID SPECIFICATION.** If directed by the Mayor and City Council, the City Administrator shall supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the City Council.

**SECTION 13. STATE AND FEDERAL AID PROGRAMS.** The City Administrator shall coordinate Federal and State programs which may have application to the City of Columbus, Kansas. The City Administrator shall ascertain available Federal and State programs and advise the Governing Body as to the possible grants or other benefits of the programs and prepare or have prepared and submit application for such grants and benefits as the Governing Body may direct.

**SECTION 14. CONFERENCE ATTENDANCE.** The City Administrator shall attend State and regional conferences and programs applicable to his/her office and the business of the City of Columbus, Kansas, whenever such attendance is directed and approved by the Mayor and City Council and report to the Council on such conferences.

The City agrees to budget and pay for the professional dues and subscriptions to the Kansas Association of City Management and the International City Management Association or other professional dues and subscriptions as may be agreed to by the City Council.

**SECTION 15. RECORDS.** The City Administrator shall keep full and accurate records of all actions taken by him/her in the course of his/her duties, and he/she shall safely and properly keep all records and papers belonging to the City of Columbus, Kansas, and entrusted to his/her care in accordance with Federal and State laws. All such records shall be and remain the property of the City of Columbus, Kansas, and be open to inspection by the Mayor and City Council.

**SECTION 16. PLANNING.** The City Administrator shall make long-term and short-term planning recommendations to the Mayor and City Council.

**SECTION 17. MISCELLANEOUS.** In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor with the advice and consent of the City Council.

**SECTION 18. POWERS.**

A) City Property: The City Administrator shall have responsibility for all real and personal property of the City of Columbus, Kansas. He/she shall have responsibility for all inventories of such property and for the upkeep of all such property. He/she shall be responsible to see that the City has adequate procedures to insure against major insurable risks.

B) Coordinate Departments: The City Administrator shall have the power to coordinate the work of all the departments of the City, and, at times of emergency, acting through the appropriate department heads, shall have authority to assign the employees of the City to any department where they are needed for the effective discharge of the functions of City government.

C) Investigate and Report: The City Administrator shall report on any condition or fact concerning the City government requested by the Mayor or City Council.

D) Coordinate Officials: The City Administrator shall have the power to overrule any administrative action taken by a department head, and may thereby supersede him/her in the functions of his/her office.

E) At no time shall the duties or powers of the City Administrator supersede the action of the City Council.

F) The City Administrator's duties and authority shall operate in concert with the Mayor's statutory (Kansas Statutes Annotated, Chapter 14) powers, duties and superintending control established for Cities of the Second Class with Mayor-Council forms of government, and subject to the directives and policies enacted by the Governing Body.

**SECTION 19. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after publication in the official City newspaper of the City of Columbus, Kansas. This ordinance may be changed at any time as prescribed by State statute and bind present and future City Administrators.

**SECTION 20. PASSED AND APPROVED.** Passed by the Governing Body of the City of Columbus, Kansas, and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
William E. Schaiff, Mayor

ATTEST:

\_\_\_\_\_  
Cherri Chancellor, City Clerk

(Seal)