

CITY OF HAYS
HANDBOOK
FOR MAYOR-APPOINTED
BOARDS AND COMMITTEES

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HANDBOOK FOR MAYOR-APPOINTED BOARDS AND COMMITTEES

The public is playing an ever-increasing role in local government. Citizens concerned about quality of life for themselves and their families, taxes and governmental services are speaking out as never before, and are shaping local government in a way which meets their needs. Indeed, the governing body of a city like Hays is composed of citizens elected by their fellow citizens to set policy and to guide and direct city government.

In order to assist in setting direction for the City of Hays, the City Commission considers the advice of its various boards and committees. Citizens who serve on boards and committees, therefore, play an important part in translating ideas into programs, suggestions and concerns into change and in expanding the knowledge and experience base of the decision makers.

The City Commission has engaged more and more citizens in the process of government by creating new advisory boards when the need arises. Appointments, and respective boards and committees where appointments are made, may vary. The City Commission is responsible for making appointments by Resolution to several boards whose powers and duties are defined under state law, and whose functions go beyond advising and making recommendations to the City Commission.

PURPOSE

The purpose of this handbook is to explain the role of boards and committees in advising the City Commission and to set forth guidelines to assist in carrying out their work.

CITY STRUCTURE

In Order to be more effective in fulfilling their purpose, board and committee members should understand the organizational structure of the City of Hays.

The City of Hays is a statutory city, which means that it derives its powers and authorities from the state legislature.

The citizens have chosen a commission-manager form of government. Under this form, the citizens elect a five-member commission, which, in turn, elects the mayor and vice chairperson.

The City Commission sets the goals and policies for City government, and annually adopts a budget in support of City activities.

City staff, under the direction of the City Manager, is responsible for carrying out the direction of the City Commission in implementing programs and services. The City

Manager reports directly to the Commission. Department directors and their staffs are under the direction of the City Manager.

As the City's chief executive officer, the City Manager oversees responsibilities for the day-to-day administrative affairs of the City of Hays, including assigning staff to assist boards and committees in carrying out their responsibilities. He is responsible for conveying and implementing Commission policy.

BOARD MEMBER EXPECTATIONS

Attendance

The effective operation of a board depends upon regular attendance of the members at meetings. As a result, for boards that meet monthly, a member may be removed from the position prior to expiration of a term when that member is absent from three consecutive meetings, or four meetings in a year, for reasons other than illness, unless prior arrangements have been made with the board for the absence. For boards which meet more frequently than monthly, a member may be removed when that member is absent from more than 25% of the meetings, unless prior arrangements have been made with the board for the absence.

If a member is unable to attend a meeting, the secretary, or other designee, should be notified at least 24 hours in advance of the meeting. Repeated absences, even if not consecutive, may also be cause for removal.

Conflicts of Interest

The objective of the City Commission is not only to avoid any conflicts of interest, but to avoid even the appearance of impropriety. Since there may be areas where board members are unsure or unaware that a conflict exists, please refer to the following guidelines.

If a board member has acquired confidential information in the course of official duties, that information cannot be used to substantially further the member's personal financial interests. Occasionally, gifts are offered to board members. If it appears, under the circumstances, that a gift has been offered to the member for the purpose of rewarding the member for official action, the board member should refuse the gift. If a gift is of substantial value and would tend to improperly influence a reasonable person, the gift should be refused. A gift of substantial value includes an economic benefit such as loans at a rate substantially lower than the current commercial rate for similar loans. Such an economic benefit would also include compensation received for personal services that substantially exceeds the fair market value of the services.

State law provides that a board member shall not hold an interest in a business or undertaking, which may possibly be directly and substantially economically affected by

an official action of the member's board. A board member shall not perform an official act causing an economic detriment to the member's business or personal competitors.

For six months following termination of office, a board member should not obtain employment in which a direct advantage, unavailable to others, will be gained in matters with which the board member was directly involved.

A board member shall not engage in a substantial financial transaction for private business purposes with a person under the direction of that member's board.

If a member has a personal or private interest in any matter before the board, the member must disclose the interest to the board, must not vote on the matter and shall refrain from attempting to influence the other board members in voting on the matter. However, if that member's participation is necessary to obtain a quorum or to otherwise enable the board to act, the member may vote if, prior to acting, the interested member discloses the nature of his private interest. The disclosure shall be made in writing to the Secretary of State, listing the amount of his financial interest, if any; the purpose and duration of his services rendered, if any; and the compensation received for the services and such other information as is necessary to describe his interest. Following this procedure, if the interested member then proceeds to vote, the member shall state for the record that the member has an interest and shall summarize the nature of the interest. The member should consider not only his or her financial interests and investments, but also those of spouse and children.

The City of Hays has passed a Code of Ethics Policy that requires a signature of receipt from all appointed Board or Committee members. If you are still unsure of your legal responsibilities on any matter coming before your advisory body, you should seek the advice of the City Manager's Office as soon as possible.

Board Responsibilities

Each advisory board and committee is responsible to investigate and make thoughtful recommendations to the City Commission and City of Hays staff on issues presented. Such recommendations are often most useful if they include alternatives that were considered and an analysis of the pros and cons of the alternatives.

Matters upon which a board makes recommendations can come from the City Commission, from City staff, the citizens of Hays and from the board members themselves. The City Commission does not wish to impose a rigid structure upon the thoughts and ideas of any board or committee, but instead believes that creative and innovative ideas can come from many different sources. Often, however, ideas will originate with the consideration and adoption of goals by the City Commission, and boards and committees will be asked to consider such goals.

The normal channels for communication between the City Commission and the boards and committees are through the City liaison assigned by the City Manager to the board.

Such persons will report to the Commission the deliberations and recommendations of the board. The boards and committees, and their individual members, are always free to communicate directly with the City Commission on any matter concerning their areas of responsibility to the board and City staff in the affected department. The boards and committees, and their individual members, are always free to communicate directly with the City Commission on any matter concerning their areas of responsibility.

In considering recommendations from boards and committees, the City Commission will attempt to balance the many diverse interests in our community.

ORGANIZATION OF THE BOARD

Each board shall choose a chairperson and a vice chairperson. Additional offices may be created by the board from time to time as necessary. If a City staff person is not made available to serve as recording secretary, a board shall also choose a recording secretary.

Duties of Chairperson

The chairperson serves as the presiding officer over all meetings. It is the responsibility of the chairperson to conduct meetings, keep the discussion on track, encourage the input of ideas and facilitate the overall decision process. The chairperson should clarify ideas as they are discussed and should repeat motions to insure that all members fully understand the wording of the item upon which they are voting. It is also the chairperson's responsibility to sign all documents on behalf of the board, see that all of the decisions of the board are carried out properly, and perform any other duties and functions requested by the board.

The chairperson, working with the recording secretary, is responsible for preparing an agenda for each meeting, and assuring its circulation in advance to all members of the board and other persons who have requested notification.

Vice Chairperson

The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson. The vice chairperson shall also perform any other duties assigned to his office by the board. The vice chairperson may request the assistance of other members of the board in carrying out the duties of the office.

Recording Secretary

The recording secretary keeps the record of the board, is responsible for the minutes of the meeting, and keeps a record of the proceedings of the board. The secretary also performs any additional duties or functions that the board may assign. The secretary prepares an agenda in advance of each meeting. A copy of the approved minutes from

each meeting shall be deposited with the executive assistant in the City Manager's Office.

Ex-Officio Members of Boards and Committees

Frequently boards and committees contain some members who are members by virtue of their office, and, therefore, are termed ex-officio members. All ex-officio positions will be designated by Resolution.

Officers' Terms of Office

The term of office for the chairperson and the vice chairperson shall be one year. Each officer shall be eligible for reelection. Officers shall be elected at the next regular meeting following the month of the year in which the terms of office of the members of the board expire.

CONDUCT OF MEETINGS

Minutes

The record of the proceedings of a board or committee is usually called the minutes. The essentials of the record are as follows: (a) the kind of meeting, "regular" (or stated) or "special", or "adjourned regular" or adjourned special"; (b) name of the committee; (c) date of meeting and place, when it is not always the same; (d) who is in attendance, including all members absent; (e) the fact of the presence of the regular chairman and secretary, or in their absence the names of their substitutes; (f) whether the minutes of the previous meeting were approved, or their reading dispensed with, the dates of the meetings being given when it is customary to occasionally transact business at other than the regular business meetings; (g) all the main motions (except such as were withdrawn) and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn; (h) and usually the hours of meeting and adjournment, when the meeting is solely for business. Generally the name is recorded of the member who introduced a main motion, and the seconder. Minutes should be approved at the next regularly scheduled meeting.

Open Public Meetings

All meetings at which any public business is discussed where a quorum of the board is present are public meetings open to the public at all times. No board or committee shall conduct any closed meeting without first consulting with the City Manager's Office concerning its propriety.

The Kansas Open Meetings Act (KOMA) applies to all the meetings of all legislative and administrative bodies and agencies of the state and its political and taxing subdivisions (*including cities*), and the councils, task forces, commissions and committees created by

the governing bodies thereof. Certain bodies are excepted when they are exercising quasi-judicial powers (e.g., boards of zoning appeals). (K.S.A. 75-4318 (a))

The requirements of KOMA apply to meetings, gatherings and assemblies (including contemporaneous *interactive* communications such as telephone, teleconferencing, and discussions over the Internet) attended by a majority of a quorum of the governing body for the purpose of discussing the business or affairs of the public body.

Quorum

The majority of all of the members of a board shall constitute a quorum. In order to conduct business at any meeting, a quorum shall be present. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a future date.

Special Meetings

A special meeting may be called by the chairperson or vice chairperson, or upon the written request of two members of the board. Notice should be given to each of the board members by personally serving them or by leaving notice at their usual place of residence. Notice of special meetings should be given as much in advance as possible. The notice of a special meeting shall set forth the time, place, date and purpose of the meeting. Attendance at a special meeting constitutes a waiver of the notice of the meeting.

Rules of Order

Generally, meetings can be held in any manner that assures an orderly and focussed discussion, and facilitates the input of all members of the board. When necessary, in order to effectively conduct business, as determined by a majority vote of those present, Robert's Rules of Order shall be in effect.

Public Hearings

Occasionally, a board will be called upon to conduct a public hearing on a matter coming before it.

A public hearing is a process by which official input on a matter coming before a board is received from all those wishing to present testimony. It is a matter of fundamental due process that decisions made as a result of the public hearing are based solely upon the evidence presented at the public hearing, and no prior investigation or discussion should be conducted by any member.

Following the public hearing, board members should discuss the matter among themselves, and reach a decision by adopting a motion, which sets forth the basis for the decision. Any such decision should be set out in the minutes of the meeting.

Further information regarding the conduct of public hearings is available from the City Clerk's Office.

Appointment and Vacancies

Whenever a vacancy occurs in a board or committee, whether by expiration of term of office, removal of a member, resignation or other reason, the City Manager's Office should be notified of the vacancy. The City Manager's Office serves as the central location for any correspondence in reference to a committee or board. The City Commission will then determine by what process the vacancy will be filled.

EXPENSE REIMBURSEMENT

The City will reimburse any member of a board or committee who incurs expense for travel, lodging, registration fees and the like, where such expenses have been provided for in the budget of the department with which the board is connected. To make sure that an anticipated expense is authorized, all subject expenditures must be cleared in advance through the department. All reimbursements should be accompanied by the City Travel Reimbursement Form. All members of a City-appointed board or committee will be required to abide by the City's Travel Policy and all restrictions noted.

LIABILITY

When performing the function for which a member is appointed, such member is an authorized volunteer of the City of Hays, and is entitled to the protection of the Governmental Immunity Act. Such act, generally speaking, protects the board member from personal liability for any action within the scope of such appointment, except where the act is willful or wanton. Many homeowners' insurance policies provide some coverage for acts undertaken as a volunteer. Please consult your insurance agent regarding any such coverage.