

AN ORDINANCE OF THE CITY OF WICHITA PERTAINING TO CHANGES TO THE RULES OF PROCEDURE OF THE CITY COUNCIL; AMENDING CHAPTER 2.04 OF THE CITY CODE; AND REPEALING THE ORIGINAL OF SAID CHAPTER.

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

Section 1. Section 2.04.005 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.005. City council; terminology and interpretation.

Unless otherwise apparent from the clear reading and intent of the Code of the City of Wichita:

- (a) All references to the "city council," "council," or "members of the council," shall be deemed to be to the entire governing body and members thereof consisting of six council members and the mayor.
- (b) All references to an individual "council member" shall be deemed to be a reference to each member of the governing body including the six council members and the mayor.
- (c) All actions of the council shall be taken by a majority vote of the members-elect, irrespective of the number in attendance, except when the city code calls for a specific number of votes. A "majority of the members-elect" or a "majority of the council" shall mean four members, except when there is a vacancy or disqualification on the council.
- (d) Actions of the council regarding routine procedural matters which are specifically identified in this code, and which are made by a motion of a "majority of a quorum," shall mean a majority of the members present at the meeting.

Section 2. Section 2.04.010 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.010. Selection and term of officers.

The first order of business at the first regular meeting following the first Tuesday in April of each odd-numbered year shall be to swear in the newly-elected city council members and mayor. The presiding officer shall be the mayor, chosen by the electorate in the manner and for the term as set forth by charter ordinance. The mayor shall be removed from office by recall or other procedures as may be set forth by law. A vice mayor shall be chosen by a majority written vote of the council from among its membership at the first regular meeting following the first Tuesday in April, and every year thereafter for a term of one year. The vice mayor shall serve at

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the pleasure of the council and shall be removed as an officer for cause, which shall be determined by majority (four) vote of the council.

Each officer shall serve for the term prescribed and until a successor has been duly elected and qualified.

Section 3. Section 2.04.015 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.015. Filing for office.

Any member of the governing body may file, be nominated, or run for the office of mayor or council member while serving as a member of the governing body and remain on the governing body; provided that, such member may not file, be nominated, or run for more than one such office at one time. Upon election to such new office, the member must resign from the existing office prior to being sworn in as council member or mayor.

Section 4. Section 2.04.020 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.020. Installation of officers.

(a) OATH OF MAYOR. Before assuming the duties of the office the mayor shall take the oath of office administered by the city clerk or a duly appointed or elected federal, state or municipal judge as follows:

"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and will faithfully and impartially discharge the duties of the office of Mayor in and for the City of Wichita, Kansas, so help me God."

The mayor shall assume the chair immediately after the oath has been administered.

(b) OATH OF VICE MAYOR. Immediately after the election of the vice mayor, and after the mayor has been sworn in when applicable, the vice mayor shall take the oath of office administered by the city clerk or a duly appointed or elected federal, state or municipal judge. When the vice mayor takes the oath of office, the words "office of the Vice Mayor" shall be substituted where the oath states "office of the Mayor."

Section 5. Section 2.04.030 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.030. Duties of officers.

The mayor shall be the official head of the city on formal occasions and shall serve as the leader in the activities and duties of the city council. As the official head of the city, the mayor shall not

only lead but shall speak to the aims, policies and programs of the city, but his or her authority is restricted to that of a council member, except as hereinafter while serving as chairman of the council meetings. The mayor shall have no administrative or executive duties but shall refer all such matters to the city manager. The mayor shall preside at all meetings of the city council, shall sign all resolutions, proclamations, minutes, ordinances, contracts, revenue bonds and other official instruments approved by the city council; provided that, such documents and instruments may be signed in the manner provided in Section 2.04.035. The mayor shall have no veto power.

Section 6. Section 2.04.031 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.031. Vice mayor to preside when.

In the absence of the mayor, the vice mayor shall substitute for the mayor on public occasions, shall preside at meetings as provided in this chapter for the mayor, and shall sign minutes, proclamations, resolutions, ordinances, contracts, revenue bonds and other official instruments approved by the city council as may be necessary in the absence of the mayor. The vice mayor shall assume no other duties of the mayor than specifically provided herein or as may be required by law.

Section 7. Section 2.04.032 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.032. Order of succession.

The city council shall designate, by resolution, from the members thereof, the order of succession as mayor in the absence from the city of the mayor, the vice mayor or other council members.

Section 8. Section 2.04.035 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.035. Signing of documents.

- (a) The mayor may delegate to the city manager the authority to sign or execute all documents and instruments in the name of the city manager which the mayor is authorized to sign or execute by law, council action or custom; provided that, such delegation shall not pertain to ordinances. Such delegation of authority shall be in writing under oath and a copy shall be filed with the city clerk; such delegation may also be accomplished according to policy adopted by city council. The delegation shall specify the nature of the documents and instruments, which the city manager is authorized to sign and the circumstances under which such authority may be exercised.
- (b) The mayor may delegate to the city manager, the city clerk, or any designee of the city manager or city clerk, the authority to place a facsimile signature of the mayor upon documents and instruments which the mayor is authorized to sign by law, council action or

custom; provided that, such delegation shall not pertain to ordinances and documents required to be notarized. The delegation of authority shall be in writing under oath and filed with the city clerk; such delegation may also be accomplished according to policy adopted by the council. The delegation shall specify the nature of the documents and instruments upon which a facsimile signature may be placed and the circumstances under which such authority may be exercised.

- (c) The delegation of authority to sign or execute documents and instruments under subsections (a) and (b) is personal to the mayor and shall terminate at the end of the term or occurrence of a vacancy in the office of the mayor. The delegation under this section may be terminated in whole or part at any time in writing by the mayor or by action of the city council.
- (d) This section shall be construed broadly so as to effectuate its general public purpose for efficiency and to give legal effect to the actions of the city council and the mayor. Nothing in this section shall be construed to limit the authority of city officials to use facsimile signatures under the Uniform Facsimile Signature of Public Officials Act or digital signatures under the Kansas Digital Signature Act.

Section 9. Section 2.04.040 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.040. Vacancies.

- (a) **Officers.** In the event of a vacancy occurring in the office of mayor or vice mayor because of resignation, ouster, disqualification, removal, death or other cause, except expiration of elected term, a notice of vacancy shall be announced at the regular council meeting following the date on which such vacancy occurs. The position shall be filled from among the remaining council members by written ballot of the majority of the governing body at the next regular meeting, at which all the remaining members are present, following notice of vacancy. The written balloting for filling the vacancy of mayor or vice mayor shall be in accordance with the procedures in subsection (b)(5) of this section. If the vacancy of the office of mayor or vice mayor results in a vacancy on the council, then the procedures in subsections (b), (c) and (d) of this section shall control to fill the council vacancy.
- (b) **Members.** In the event of a vacancy occurring in the membership of the council, other than mayor, because of resignation, death, ouster, disqualification or other reasons except expiration of elected term, a notice of vacancy shall be announced at the first regular meeting following the date on which such vacancy occurs. The vacancy shall be filled pursuant to the following procedure:
 - (1) The District Advisory Board (DAB) within the district having the vacancy shall, following the petition deadline set by the governing body, hold a forum open to the public to screen all candidates who have filed a lawful petition for candidacy.

- (2) At the conclusion of the public forum, said DAB shall, by majority vote of those present, nominate not less than four and not more than five candidates for the governing body to consider.
 - (3) If less than four lawful petitions for candidacy are filed and considered by the DAB, the DAB, after the public forum, shall forward all the names of the nominees to the governing body for consideration.
 - (4) The DAB shall forward to the governing body in writing the names of the candidates nominated in alphabetical order and not by any ranked order of preference.
 - (5) At a regular meeting of the governing body following the receipt of the DAB nomination, at which all the remaining members are present, the remaining members of the governing body shall elect by written ballot from those nominated a new member to fill the unexpired term; provided that, such election shall require a majority vote of the members-elect. In the event the remaining members of the governing body are unable to agree after five ballots, the vacancy election process shall automatically be scheduled for the next two consecutive regular meetings of the governing body. If the remaining members of the governing body are unable to agree by majority vote of the members-elect after five ballots at either of the next two consecutive regular meetings, the tie shall be broken by a coin toss to select the candidate to fill the unexpired term.
- (c) Unexpired Term. The person elected as mayor or council member under subsection (a) or (b) shall fill the unexpired term until the next general city election, at which time the remaining unexpired term shall be filled by election; provided that such vacancy occurs prior to the first day of January in any year of a general city election. If the vacancy occurs after the first day of January in any year of a general city election, the person elected by the remaining council shall hold office for the entire unexpired term.
- (d) Nominees. Candidates to fill the vacant term under subsection (b) shall meet all appropriate qualifications for candidates to such position including that of district residency. Candidates shall be nominated by petition containing not less than one hundred signatures of qualified electors who reside in the district having the vacancy at the time of signing the petition. Such petitions must be filed with the city clerk within three weeks following the notice of vacancy unless a time certain is indicated by the city council at the time of notice of vacancy. The petition shall state the name and place of residence, giving the street and number, of the candidate for the vacant term. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements thereto are true as he or she believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. The city clerk shall determine the sufficiency of the petition, and may rely upon assistance and information from the election commissioner.

Section 10. Section 2.04.050 of the Code of the City of Wichita, Kansas, shall read as follows:

Sec. 2.04.050. Code of ethics for council members.

Council members occupy positions of public trust. All business transactions of such elected officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion both as to the legality and to the propriety of such transactions. In addition to the matters of pecuniary interest, council members shall refrain from making use of special knowledge or information before it is made available to the general public; shall refrain from making decisions involving business associates, customers, clients, friends and competitors; shall refrain from repeated and continued violation of city council rules; shall refrain from appointing immediate family members, business associates, clients or employees to municipal boards and commissions; shall refrain from influencing the employment of municipal employees; shall refrain from requesting the fixing of traffic tickets and all other municipal code citations; shall refrain from seeking the employment of immediate family members in any municipal operation; shall refrain from using their influence as members of the governing body in attempts to secure contracts, zoning or other favorable municipal action for friends, customers, clients, immediate family members or business associates; and shall comply with all lawful actions, directives and orders of duly constituted municipal officials as such may be issued in the normal and lawful discharge of the duties of these municipal officials.

Council members shall conduct themselves so as to bring credit upon the city as a whole and so as to set an example of good ethical conduct for all citizens of the community. Council members shall bear in mind at all times their responsibility to the entire electorate, and shall refrain from actions benefiting special groups at the expense of the city as a whole and shall do everything in their power to ensure equal and impartial law enforcement throughout the city at large without respect to race, creed, color or the economic or the social position of individual citizens.

Section 11. Section 2.04.051 of the Code of the City of Wichita, Kansas, shall read as follows:

Section 2.04.051. Representing the City.

No member of the City Council, employee of the City, or Council appointee shall state a position or policy of the City until said position or policy has been adopted by an affirmative motion, ordinance or resolution of the Council. No restraint on individual expression is hereby intended, so long as the Council member, City employee or Council appointee clearly indicates that the position expressed is his or her individual opinion and not the position or policy of the City.

Section 12. Section 2.04.052 of the Code of the City of Wichita, Kansas, shall read as follows:

Section 2.04.052. Confidentiality of information.

During the course of their duties, Council members will receive confidential information or attorney-client privileged communications that for good reason may be withheld under the Kansas Open Records Act, Kansas Open Meetings Act and other laws. This will be information that is commercially sensitive or is personal to a particular individual or organization and may

affect City's legal rights and responsibilities. Council members acknowledge that failure to observe confidentiality will impede the performance of the council by inhibiting information flows and undermining public confidence in the council. The confidentiality of this information will be protected by Council members and not disclosed unless a resolution of the Council to release the information is adopted by a majority vote of the Council members.

Section 13. Section 2.04.060 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.060. Employment of professional services.

Employment of professional services, such as furnished by appraisers, accountants, architects, lawyers, realtors, engineers and others of similar professions, shall be authorized by appropriate action of the majority (four) of the city council members or by the city manager when such authority is granted by an administrative policy of the city which has been approved by the city council. Selection for employment shall be made from responses of qualified persons or firms interested in employment by the city. All selections by the city council members shall be by majority vote after recommendation by the city manager with respect to demonstrated competence and qualification for the type of services required at fair and reasonable prices, with a strong emphasis on qualifications, skills, expertise, and experience, provided, that the city council may designate itself to serve as the selection committee on projects of wide public interest.

Section 14. Section 2.04.070 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.070. Appointments to municipal boards and commissions.

All appointments of members of boards and commissions of the city shall be made in accordance with the statutes of Kansas and the code of ethics for council members of Section 2.04.050 of this Code and the policies and procedures of Chapter 2.12 of this Code.

Section 15. Section 2.04.080 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.080. Legal notices.

The city council shall follow a policy with respect to legal notices concerning annexation, zoning, public hearings, condemnations, etc., as such notice may, in the opinion of the city attorney, be required by state statute or federal law.

Section 16. Section 2.04.090 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.090. Approval of expenditures.

- (a) The city council shall approve all contracts for public improvements and purchases in excess of twenty-five thousand dollars and all transfers of funds in excess of twenty-five thousand dollars, in addition to such regular budget approvals as may be required by law; provided, however, that the approval of a majority of the council (four) shall be required to overrule a recommendation of the city manager or to exercise approval in those cases where action by city ordinances is required.
- (b) No individual council member shall incur any expense by travel or otherwise for the city except at the direction of a majority of a quorum of the council. Such approval shall be obtained prior to incurring the expense, except for the following circumstance: expenses totaling three hundred dollars or less which may be incurred if (1) funds for such expenditure are available in the adopted budget and (2) such council member notifies the council prior to the expenditure of the intended expense.

Section 17. Section 2.04.100 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.100. Relationship between city council and city manager.

The members of the city council and the city manager shall observe scrupulously the relationship and the respective authorities and responsibilities of each as provided by the statutes, city ordinances, council rules or procedure and the ethics of good conduct. Generally speaking, the council shall act as a policy-making body only except as specifically provided otherwise by statute, and the city manager shall act as the administrative head of the city. The council shall delegate to the city manager all administrative duties not specifically required by statute to be performed by the council. No member of the city council shall interfere directly with the conduct of any municipal department except at the express direction of a majority (four) of the council. All instructions or direction to the city manager shall come from the council as a whole after approval of a majority (four) of the council. The city manager shall disregard any other instructions or directions and shall refer them to the council as a whole. Requests for routine information may be made to department heads by individual council members but all requests for lengthy or detailed reports shall be made only to the city manager. No instructions or directions shall be given by individual council members to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the entire council for such action as may be appropriate in each individual case.

Section 18. Section 2.04.110 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.110. Duties of city manager relative to city council.

The city manager shall act as the administrative head of the city and in such capacity shall direct the affairs of the city within the limits of the budget, the policies established by the city council and the requirements of the statutes. The city manager shall attend all meetings of the council unless excused by a majority (four) of the council. The city manager shall prepare and submit

the annual budget to the council, shall keep the council advised as to the financial condition and requirements of the city and shall make recommendations to the council on all matters concerning the welfare of the city. The city manager shall have no vote in the public meetings of the governing body and shall refrain from attempting to establish policy except as he or she shall make recommendations to the city council as a whole. The city manager shall be employed by a majority (four) of the council and shall serve at the pleasure of the majority (four) of the council. The city manager shall refrain from any and all political activity whatsoever and shall so conduct himself or herself as to observe the highest standard of ethics of the city manager profession. When requested by the city manager (and not by individual members of the council) certain department heads and employees of the city shall attend council meetings. The city manager shall advise with the council on matters pertaining to the affairs of the city.

Section 19. Section 2.04.120 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.120. Duties of city attorney relative to city council.

- (a) The city attorney shall attend all meetings of the city council. The city attorney shall draft or cause to be drafted for his or her approval all ordinances, resolutions, contracts, releases, agreements and other instruments pertaining to legal actions of the city which shall have been approved as to form and legality by the city attorney before presentation to the council. No ordinances or resolutions or other documents shall be prepared by the city attorney unless requested by the city manager, unless such request shall have been placed on the agenda and approved by a majority (four) of the council. When requested by any member of the council, the city attorney shall furnish an opinion, either written or oral as may be appropriate in each case, concerning parliamentary rulings, interpretations of council rules of procedure and opinions as to legality of matters under consideration. The city attorney is the chief legal advisor to the council and the city manager, who are entitled to rely upon his or her legal opinions, which shall be considered final as they relate to municipal affairs except as they may be adjudicated in the courts.
- (b) The city attorney shall be the parliamentarian for the council, and shall provide advice and counsel to the presiding officer on all infractions of the council rules and procedures for the conduct of meetings.

Section 20. Section 2.04.130 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.130. Duties of city clerk relative to city council.

The city clerk shall be ex officio clerk of the council, shall keep minutes of the meetings and shall perform such other and further duties in the meetings as may be directed by the city council or the city manager. The city clerk shall keep the official records of the city as may be required by the statutes, shall be authorized to maintain summary form of minutes indicating official actions taken in council meetings and shall maintain recordings of all council meetings on file for a period of at least four years after each meeting. Summary minutes of each meeting shall

show the attendance, a short summary of each matter acted upon, the action taken with respect to each matter, the vote, the deletions as ordered by the chair, reprimands as ordered by the chair, votes of reprimand or censure as directed by the council, and appeals.

Section 21. Section 2.04.140 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.140. Sergeant-at-arms.

The chief of police or such other senior member or members of the police department, as he or she may be authorized to select by the city manager and as may be approved by the mayor, shall serve as sergeant-at-arms for council meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at council meetings and shall be held harmless by the city for such acts as he or she may perform at the direction of the presiding officer. Upon instructions from the presiding officer, it shall be the duty of the sergeant-at-arms to remove from the room or to place under arrest any person who violates the order and decorum of the meeting and to cause a complaint to be filed against such person to be prosecuted under the provisions of the appropriate code, and the complaint in each case shall be signed by the presiding officer.

Section 22. Section 2.04.150 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.150. Special committees.

Special committees shall be appointed by the mayor as directed or approved by a majority (four) of the council. Such special committees shall conduct their activities and shall report as directed by the majority (four) of the council. Such committees shall serve at the pleasure of the majority (four) of the council.

Section 23. Section 2.04.180 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.180. Regular meetings.

Regular meetings of the city council shall be held in the council chambers of City Hall on each Tuesday at nine a.m., except that no Regular meeting shall be held on the fifth Tuesday of a month. Regular meetings may be cancelled, or held from time to time at such other times and locations within the city or scheduled as a consent agenda/workshop meeting as determined at a prior meeting by a majority of the council members. Workshop meetings shall be held on the fourth Tuesday of each month at 9:30 a.m. in the First Floor Boardroom of City Hall, or other location so designated by the council. When the date of a regular meeting immediately follows a Monday legal holiday, the meeting shall be cancelled. All regular and workshop meetings of the city council shall be open to the press and to the public, except when closed under the procedures of the Kansas Open Meetings Act.

Section 24. Section 2.04.190 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.190. Order of Council Business at Regular Meetings.

Regular meetings of the council shall be conducted according to the standing rules of procedure of the council in the following order of business:

I. Opening of Regular Meeting

- A.** Call to Order. Promptly at the hour appointed for the meeting of the council, the mayor, or in his/her absence, the successor presiding officer shall take the chair and shall call the city council meeting to order.
- B.** Invocation. The presiding officer shall announce the invocation to be given by a member of a rotating panel invited for such purposes from all the religious faiths in the community.
- C.** Pledge of Allegiance. The presiding officer will lead in the presentation of the Pledge of Allegiance to the flag of the United States of America.
- D.** Attendance. The clerk shall note the attendance of the council members and shall enter as a matter of record their presence or absence during all or any part of the meeting.
- E.** Approval of Minutes of Previous Meeting. Minutes of the previous meeting or meetings shall be amended, corrected and approved and if approved by a majority of the quorum present shall be entered in the permanent records of the city without being subject to further change or amendment. Minutes of previous meetings shall not be read aloud in their entirety unless so required by a vote of a majority (four) of the council.
- F.** Awards and Proclamations. The presiding officer will present the scheduled awards and proclamations.
- G.** Public Agenda. A public agenda shall be considered by the council. No action will be taken relative to items on this agenda other than referral to the City Manager for information. Requests to appear will be placed on the agenda on a "first-come, first-served" basis. Except as otherwise directed by the Presiding Officer of a regular meeting: (1) this portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted, (2) no speaker shall be allowed to appear more frequently than once every fourth meeting, and (3) members of the public desiring to present matters to the council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. The request should state the name of the individual(s) desiring to be heard and the matter to be presented. Substitutes for the individual(s) to be heard or matters to be presented are not permitted. Item requests may be referred, at the discretion of the city manager, to appropriate staff for mediation

prior to being placed on the public agenda if the individual(s) consents to said referral. Matters pertaining to personnel, quasi-judicial cases, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum will be observed and enforced as provided in this Code.

II. Council Business

- A. Unfinished Council Business.** Items on this agenda will be those items of unfinished business carried over from previous meetings and designated for further consideration by the council.
- B. New Council Business.** The new business agenda shall be prepared by the city manager and shall include all items to be presented officially to the city council by the city manager. Each item shall include sufficient summary explanation to make clear to members of the council and the public the matter to be discussed and the action requested. Additional or supplemental information may accompany the agenda or follow as soon thereafter as practicable. Items on this agenda shall be presented by the city manager or such members of the staff as the city manager may designate. Generally speaking, the order of presentation shall follow the agenda except as may be directed otherwise by the presiding officer and each item shall be concluded before the next item is discussed. Except for questions from council members for purposes of clarification, the manager shall be permitted to explain fully each individual item before detailed questions or discussion is had either by the members of the council or by members of the public present. Following the complete presentation of each item on the agenda and the specific recommendation of the city manager in connection with each item presented, the matter shall be opened for discussion from the floor to members of the public.

III. Council Business Submitted by City Authorities

- A. Planning Agenda.** The planning agenda shall be prepared by the city manager. Items on the planning agenda shall include all regulatory and policy matters, which carry the recommendation of the metropolitan area planning commission, and may include other matters referred to the city council from the planning department. The city manager may designate a time certain for hearing on items on this agenda that are of public interest. Public hearings on planning items are conducted by the planning commission under provisions of state law. Additional hearing on zoning applications will not be conducted by the council unless a written statement is filed with the city clerk by five p.m. on the Wednesday preceding the meeting in question:
 - (1) Alleging unfair or incomplete hearing before the planning commission; or
 - (2) Alleging new facts or evidence that was unavailable at the planning commission hearing; the council will determine from the written statement whether or not to return the matter to the planning commission for rehearing.

- B. Housing Agenda. The city council meets as the governing body of the housing authority for consideration and action on items on this agenda, pursuant to state law, HUD regulations and city ordinance. The meeting of the housing authority is deemed called to order at the start of this agenda and adjourned at the conclusion. The designated housing member is also assembled with the city council, but only for purposes of the housing agenda portion of the meeting.
- C. Airport Agenda. Pursuant to state law and the city's home rule powers, the city council meets as the governing body of the airport authority for consideration and action on items on this agenda. The meeting of the airport authority is deemed called to order at the start of this agenda and adjourned at the conclusion thereof.

IV. Council Agenda

- A. Council Member Agenda. The Council Member Agenda shall be used by individual council members to request that items or projects be placed on a future agenda for consideration by the council. A majority vote (four) shall be required to put an item on a future agenda and direct staff to begin work on the item.
- B. Council Member Appointments. Appointments to city boards and commissions shall be made pursuant to Chapter 2.12 of this Code. The mayor or vice mayor shall make at-large appointments as required by state law or city ordinance.

V. Consent Agenda

The consent agenda shall be prepared by the city clerk for each regular meeting or workshop. It shall be restricted to the necessary actions to be taken by the council in connection with the second reading of ordinances, routine resolutions or contracts in which the project has been previously approved by the council, or routine matters to be approved. Items on the consent agenda, although listed separately, shall be considered collectively as a consensus agenda and an affirmative vote of the council on the consent agenda will allow and be construed as an affirmative vote to take the recommended action as stated on each item, provided that when a council member has been recorded as voting against an ordinance on first reading, the council member shall be recorded as voting the same on subsequent readings on the consent agenda, unless otherwise indicated by the council member. Any item on the agenda may be considered separately by request of any member of the council or the city manager, in which event it will be set aside for separate discussion and remaining items on the agenda will be voted upon as a consensus agenda.

Section 25. Section 2.04.195 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.195. Order of Council Business at Workshop Meetings.

I. Consent Agenda

- A. Workshop meetings shall be regular meetings conducted on the fourth Tuesday of each month at 9:30 a.m. in the First Floor Boardroom of City Hall. Workshop meetings may be held at such other time and location within the city as may be determined at a prior meeting by a majority of the council members. Workshop meetings shall be conducted as follows:
- B. The consent agenda shall be prepared by the city clerk and shall be restricted to the necessary actions to be taken by the council in connection with ordinances, resolutions or other matters previously approved, placed on reading or adopted, or routine matters to be approved. The city manager or a staff member designated by the city manager will advise the city council as soon as it is known that an item on the consent agenda is time sensitive and requires immediate action.
- C. The separate items appearing on the consent agenda shall be considered collectively as a consensus agenda and an affirmative vote of the council on the consent agenda will allow and be construed as an affirmative vote to take the recommended action as stated on each item, provided that when a council member has been recorded as voting against an ordinance on first reading, the council member shall be recorded as voting the same on subsequent readings on the consent agenda, unless otherwise indicated by the council member.
- D. After the mayor, or presiding officer if the mayor is absent, announces the consent agenda for consideration, any member of the council may request that an item be pulled from the consent agenda. Any such item pulled from the consent agenda may be deferred to the next regular meeting of the city council and appear as an item on the unfinished business portion of the agenda.
- E. Any member of the city council may request that any item on the consent agenda be considered separately for comment or clarification on the item, for purposes of declaring a conflict of interest or voting against the item. In such case, the agenda item will not be deferred but will be voted on separately by the city council.

Section 26. Section 2.04.200 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.200. Workshops.

The city council may hold a workshop at which no action is taken, following the recess or adjournment of any council meeting. Such adjourned (recessed) workshop meetings of the council shall be held at such time and place as a majority (four) of the council may determine. Such adjourned meetings shall be open to the press and to the public in accordance with the Kansas Open Meetings Act.

Section 27. Section 2.04.210 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.210. Special meetings.

The mayor or any (four) council members shall have the power to call special meetings of the city council. The object of such special meeting shall be submitted to the council members in writing. The call and the object of such call and the action of the council thereon shall be entered in the minutes by the city clerk and no other business shall be transacted except that mentioned in the call for the special meeting. A written notice of such special meeting, stating time, place and object, shall be served personally or electronically by facsimile or electronic mail upon each member of the council and the city manager or left at such persons' usual place of residence or business at least two hours before the time of such meeting, such service to be made in such a manner as is determined to reasonably provide actual notice of the special meeting. Such notice shall be issued by the city clerk and the city clerk may call upon the chief of police to, either in person or by some police officer, serve a copy of such notice if necessary and make a report to the city clerk of the manner of such service. Ordinarily, special meetings shall be held in the council chambers of city hall although such other arrangements may be made as shall be approved by a majority (four) of the council. All special meetings shall be open to the press and to the public in the manner provided in the Kansas Open Meetings Act.

Section 28. Section 2.04.215 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.215 En banc meetings.

En banc meetings of the city shall be called in the same manner and by following the same procedure set out in Section 2.04.210 of this Code for the calling of special meetings for the city council.

Section 29. Section 2.04.220 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.220. Order of business at special meetings.

In all special meetings of the city council the order of business shall be as follows, providing that the meeting shall be conducted in accordance with the rules of council procedure as adopted herein:

1. Call to order.
2. Roll call.
3. Reading of the call for the meeting by the city clerk.
4. Consideration of the business in the order embraced in the call for the meeting.
5. Adjournment.

Section 30. Section 2.04.230 of the Code of the City of Wichita, Kansas, shall read as follows:

Section 2.04.230. Conduct of Council Business

- A. Public hearings. The mayor or any other member of the city council or the city manager may identify and designate an item of extraordinary interest for an upcoming meeting that may be scheduled at a time certain for public hearing. Unless otherwise directed by a majority of the council, such items shall be scheduled subject to city council guidelines pertaining to the number, order and time limits for speakers at such public hearings.
- B. Debate and Closure. Public comments and comments from the city manager shall be allowed on all motions; provided, however, that any council member may at anytime move to close the public debate and, if seconded, all further discussion of the matter either by members of the public or the city manager shall cease and the council shall vote on said motion which, if passed by a majority vote (four), shall close public debate. Discussion and debate of the original motion may be continued among members of the city council until the mayor or any other council member moves the previous question. A move for the previous question, if seconded, shall immediately end all debate and discussion, and if passed by a super-majority vote (five), the original motion must be voted on without delay; provided, however, that the previous question shall not be implemented until all members of the council have had an opportunity to speak to the original motion. After the formal vote has been taken by the council, all further discussion of the matter shall cease unless appropriate affirmative action follows to place the matter again before the council for reconsideration.
- C. Agenda. Except under the most unusual circumstances, all council meetings shall be conducted strictly in accordance with a written agenda in order that the members of the council, the city manager and the public may be informed as to the matters to be considered and may have an opportunity either to prepare themselves or to be present for such purposes as may be appropriate. The agenda shall be made public in advance of the meeting following the furnishing of the weekly agenda to individual members of the council. The order in which the sections of the agenda will be considered will be as set forth in the order of business in Section 2.04.190. The agendas will be prepared in accordance with such procedures as may be established by the city manager.
- D. Recesses. Recesses of the council shall be declared by the presiding officer or a majority (four) of the council; provided that a recess for a closed or executive session under the Kansas Open Meetings Act shall be by appropriate motion, seconded and approved by a majority (four) of the council.
- E. Adjournment. Adjournment shall occur at the conclusion of the agenda or at the hour of six p.m. when moved, seconded and approved by a majority of members present; or as shall be announced by the chair at the conclusion of business in the event no majority is obtainable from members present; provided, that meetings may be continued beyond the hour of six p.m. when moved, seconded and approved by a majority of members present.

Section 31. Section 2.04.240 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.240. Conduct of Council Business - Presiding officer.

The mayor shall preside at all meetings of the city council. In the absence of the mayor, the vice mayor shall preside. In the absence of both the mayor and the vice mayor, the next-in-line in the order of succession, designated pursuant to Section 2.04.032 of this code, acting vice mayor shall preside. The chair shall be relinquished to such senior officer of the council that may be present at any time during council meetings. The presiding officer may make motions, second motions and debate from the chair subject only to such limitations of debate as by the same rules are imposed on all members. The presiding officer shall not be deprived of any of the rights and privileges of a council member by reason of acting as the presiding officer. He or she shall refrain from preempting the floor and shall recognize other members of the council in their turn for comment, motion and debate.

The presiding officer shall direct the conduct of and shall preserve strict order and decorum in all meetings of the council. He or she shall decide all questions of order subject, however, to an appeal to the council in which event a majority (four) vote of the council shall determine conclusively such question of order; shall direct the sergeant-at-arms to carry out the orders and instructions of the chair for the purpose of maintaining order and decorum in the council meeting; shall determine the order of discussion and debate; shall recognize as nearly as possible those individuals desiring to speak in the order in which requests are made to the chair; shall conduct council meetings strictly in accordance with the rules and procedures adopted by the council; shall issue the necessary and appropriate reprimands to those individuals who are out of order; and shall direct the clerk to record such reprimands and votes of censure as may be directed by the council under Section 2.04.330. In the event it shall become necessary to remove any person from a council meeting or to place any such person under arrest for violation of the order and decorum of the meeting, the complaint for prosecution shall be signed by the presiding officer whose actions in such matters if approved by a majority (four) of the council shall be saved harmless by the city.

If requested to do so by any council member, the presiding officer shall explain his or her rulings in connection with any particular point of order and shall refer to the city attorney any inquiries from individual council members with respect to interpretations of council rules of procedure. The ruling of the city attorney shall be final insofar as the interpretation of the rules may be concerned and such interpretation shall be observed by the presiding officer in his or her orders and conduct of the meeting.

Section 32. Section 2.04.250 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.250. Conduct of Council Business - Appeals.

Any member of the council may appeal a ruling of the presiding officer, providing such appeal is made immediately following the ruling to be appealed.. In all cases of appeal, the decision of the majority (four) of the council shall be final. In the event that appeals are sustained against rulings or orders of the presiding officer, then the city clerk shall record a notice of such appeal and the action taken with an appropriate notation on the minutes of each meeting concerned.

Section 33. Section 2.04.260 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.260. Conduct of Council Business - Attendance.

All members shall attend all meetings of the council excepting only when they are unable to do so because of illness, absence from the city or unavoidable press of other business. Members shall be prompt in attendance and those members who are tardy shall not be privileged to review actions taken prior to their attendance. Members shall refrain from absenting themselves from council meetings in order to influence voting, to delay business of the city, to make it impossible for the council to proceed in an orderly manner or otherwise to impose restrictions on the council. Members shall advise either the mayor or the city manager at least twenty-four hours in advance, except in the most unusual cases, of their intention to be absent and shall advise either the mayor or the city manager when they will be available at a later date in order that meetings may be adjourned to specific dates if necessary. Members shall accord each other the same courtesy and consideration in absences that they might request for themselves and shall not ask that any city business be delayed because of their absence from meetings except under the most unusual circumstances.

Member shall not leave the city council bench or the city council meetings except as they shall be excused for cause by the presiding officer. Members shall refrain from coming and going throughout city council meetings and from unnecessary or undue interruption of the meetings by repeated absences from the bench.

Section 34. Section 2.04.270 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.270. Conduct of Council Business - Quorum.

A quorum shall consist of a majority of the members-elect of the council who shall be authorized to transact ordinary and usual city business at any council meeting; provided, however, that four affirmative votes shall be required to approve matters of general policy, to revoke general policy matters previously approved, to remove officers of the council, to discharge or to employ the city manager, to adopt a vote of censure, to adopt ordinances, to adopt resolutions, to overrule previous decisions adopted by a vote of the majority (four) of the council, to overrule recommendations of the city manager, or to overrule recommendations of any advisory board or commission (except in actions in which a greater number is required by this Code or state statute). In those cases where a quorum is present but votes are passed, the majority of votes cast (exclusive of votes passed) shall prevail in those cases where sufficient prevailing votes are cast to qualify actions under the rules of procedure.

Section 35. Section 2.04.280 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.280. Conduct of Council Business - Voting.

All members of the city council shall discharge the responsibility of their elective office and shall vote on all matters coming before the city council except in those particular cases of conflict of interest approved by the presiding officer in which case a member may request permission and may be authorized to pass his or her vote. Unless a member of the city council votes audibly to the contrary or unless a member of the city council is granted permission by the presiding officer to pass his or her vote on a particular matter, his or her silence in voting shall be recorded as an affirmative vote. Any member of the city council shall be entitled to ask for a roll call vote, in which case the presiding officer shall direct the clerk to poll the individual members in alphabetical order with the presiding officer being polled last. Written votes as required by rules of procedure shall not be waived in favor of voice votes except by unanimous consent of all city council members present at the particular meeting such waiver is desired. Members shall be permitted to qualify or to explain their votes and to ask that such explanation be recorded in the minutes by the clerk as a matter for the record. Members absent from city council meetings at the time votes are cast shall not be privileged to cast their vote at a later time although such members shall be privileged to request the clerk to record them later in the meeting as being for or against the question providing such request is made during the course of the same meeting with the knowledge of all the council members present and with the approval of the presiding officer. Votes cast shall not be changed after a question has been decided and after intervening matters have been placed before the city council. Reconsideration of a matter in accordance with the rules of the city council shall entitle a completely new vote if such recommendation prevails and such new vote shall not be considered a changed vote.

Section 36. Section 2.04.290 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.290. Conduct of Council Business - Decorum.

(a) COUNCIL MEMBERS. During city council meetings, council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the city council nor refuse to obey the orders of the presiding officer or the rules of the city council. Every council member desiring to speak shall address the chair and upon recognition by the presiding officer shall confine himself or herself to the question under debate and shall avoid all personalities and indecorous language. Every council member desiring to question the administrative staff shall address the question to the city manager who shall be entitled either to answer the enquiries or to designate some member of his or her staff for that purpose. A council member, once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a council member is called to order while the member is speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or shall alter his or her remarks so as to comply with rules of the city council. All members of the city council shall accord the utmost courtesy to each other, to city employees and to public members appearing before the city council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. Council members shall confine their

questions as to the particular matters before the city council and in debate shall confine their remarks to the issues before the city council. Council members shall be removed from the meeting for failure to comply with decisions of the presiding officer or for continued violations of the rules of the city council. If the presiding officer fails to act, any member may move to require the presiding officer to enforce the rules and the affirmative vote of a majority (four) of the members present shall require the presiding officer to act.

Except by consent of the majority of the members, no member shall speak longer than five minutes at any one time and not more than once on the same motion until all other members have had an opportunity to speak to the motion.

- (b) **ADMINISTRATIVE STAFF MEMBERS AND EMPLOYEES.** Members of the administrative staff and employees of the city shall observe the same rules of procedure and decorum applicable to members of the council. While the presiding officer shall have the authority to preserve decorum in council meetings insofar as staff members and city employees are concerned, the city manager also shall be responsible to the council for the orderly conduct and decorum of all city employees under his or her direction and control. The city manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by city employees in council meetings. Any person desiring to address the council shall be recognized by the chair, shall state his or her name for the record and shall limit his or her remarks to the matter under discussion. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any individual member thereof. No staff member, other than staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.
- (c) **MEMBERS OF PUBLIC.** Members of the public attending council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the council. Any person making personal, impertinent or slanderous remarks or who becomes boisterous while addressing the council or while attending the council meeting, shall be removed from the room if the sergeant-at-arms is directed by the presiding officer, and such person shall be barred from further audience before the council or further attendance in council meetings. Unauthorized remarks from the audience, clapping, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who shall call for order and if the call for order is not obeyed, direct the sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on an appropriate complaint signed by the presiding officer. In case the presiding officer shall fail to act, any member of the council may move to require him or her to act, to enforce the rules and an affirmative vote of the majority (four) of the members shall require the presiding officer to act. Any member of the public desiring to address the council shall be recognized by the chair, shall advance to the microphone, shall state his or her name and address in an audible tone for the record and shall limit his or her remarks to the question under discussion. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any individual member thereof. All remarks and questions addressed to the administration of the city shall be addressed to the city manager and not to any individual city employee. No person other than the members of the

council and the person having the floor shall enter into any discussion either directly or through a member of the council without the permission of the presiding officer.

The presiding officer may grant permission to nonmembers to address the council for not more than five minutes, provided there is no objection of any member of the council. If there is an objection, permission may be granted by a majority vote of the members present. By the same procedure, the limit of five minutes may be extended.

Members of the public wishing to speak for longer periods of time than five minutes are urged to contact the city manager prior to the meeting. Topics, which are unusually detailed or complicated, thus requiring a longer time for presentation, may be presented in writing to the city manager prior to the meeting to allow for printing and distribution to the council.

Section 37. Section 2.04.300 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.300. Conduct of Council Business - Point of personal privilege.

Any member of the council shall have the right to raise a point of personal privilege during any council meeting. Except under the most unusual circumstances, such requests shall not be disapproved by the presiding officer or by a majority (four) of the council members.

Section 38. Section 2.04.310 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.310. Conduct of Council Business - Point of order.

Any member of the council may raise a point of order at any time, both with respect to the conduct of the meeting, the procedure that is being followed, or any remarks that are being made. Points of order that are raised with respect to rules of procedure may be referred to the city attorney for a ruling, which shall be accepted as final by the presiding officer. Points of order raised with respect to indecorous or improper remarks made by any member of the council, by a member of the administrative staff of the city or by any member of the public shall be ruled upon immediately by the presiding officer. If such remarks are determined to be out of order, the presiding officer shall instruct the person speaking to cease such remarks and shall instruct the city clerk to delete such remarks from the record and to indicate for the record that such remarks have been deleted as having been ruled out of order. In the event a question is raised by a council member as to the propriety of the remarks themselves, the member raising the question shall be privileged to ask that the remarks either be repeated or be read from the record, in which case then the presiding officer shall make the appropriate ruling. Such remarks having been ruled upon and declared as out of order, all further remarks of a similar type shall cease immediately. In the event such remarks do not cease, the presiding officer shall be obliged to terminate any further remarks and, in cases where such action is warranted, shall instruct the sergeant-at-arms to remove the offender from the meeting room.

Section 39. Section 2.04.320 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.320. Conduct of Council Business - Reprimand.

In the event of indecorous behavior or improper conduct during council meetings or in the events remarks do not cease when ruled out of order by the chair, the presiding officer shall be obliged to issue a formal reprimand and to instruct the city clerk to include such reprimand as part of the official minutes of the meeting. In the event the presiding officer fails to issue a reprimand when such action is appropriate, any member of the council may move such a reprimand, which if approved by a majority (four) of the council, the presiding officer shall direct the city clerk to record the reprimand as a matter for record in the official minutes of the meeting.

Section 40. Section 2.04.330 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.330. Conduct of Council Business – Censure

Action lacking propriety and good taste in manners and conduct, improper language and repeated and continued violations of the rulings of the chair shall make any member of the commission, any member of the city staff or any member of the public liable to a vote of censure for such improper action.

Section 41. Section 2.04.340 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.340. Conduct of Council Business - Motions.

Generally speaking, action of the council shall be indicated by a vote of the council members present at each meeting after motions have been made and seconded by individual council members. Because of the small number of members (seven) of the council, the usual procedures established by Roberts' Rules of Order and customary parliamentary procedure are not always applicable, such rules and procedures having been developed essentially for larger groups. Therefore, simplified rules of procedure shall be established insofar as parliamentary procedure is concerned and motions by the individual council members shall be restricted to the following:

(a) TO DISPOSE OF A MATTER WITHOUT ACTION

In order to dispose of a matter without action by the council either affirmatively or negatively, and after such matter has been properly presented to the council from the appropriate agenda, the following motions shall be in order:

- (1) "To receive and file" (not debatable).

- (2) "To defer" (debatable). The motion to defer should state the length of time of the deferral, as recommended by Council members and/or staff, which time should be no longer than necessary.
- (3) "To refer" (not debatable). Such action shall be appropriate in connection with investigation and report.
- (4) "To postpone indefinitely" (debatable). This motion may be used to remove an item from the agenda without prejudice to said item so that it may be returned to the agenda at any later date in accordance with established procedure.

(b) TO DISPOSE OF A MATTER WITH AFFIRMATIVE OR NEGATIVE ACTION.

In order to dispose of a matter with affirmative or negative action by the council after such matter has been presented properly from the appropriate agenda and after appropriate comment and recommendation from the city manager and public members present, the following motions shall be in order and shall be debatable:

- (1) "To approve" (debatable). A specific recommendation or proposal.
- (2) "To disapprove" (debatable). A specific recommendation or proposal.
- (3) "To request" (debatable). A specific action.
- (3) "To direct" (debatable). A specific action.

(c) TO AMEND A MOTION.

In order to amend motions previously made, the motion "to amend" shall be in order. An amendment may clarify, modify, or be inconsistent with the original motion or may directly conflict with the spirit of the original motion, but it must have direct bearing upon the subject of that motion. A motion shall be amended before a vote has been taken. Motions to amend shall be debatable providing the original motion was a debatable motion.

(d) TO SUBSTITUTE A MOTION

In order to substitute a motion for a motion which has already been made and seconded, a motion "to substitute" shall be in order providing that the substitute motion shall be made immediately after the original motion has been made and seconded and before a vote has been taken. Substitute motions shall be made only once and shall be debatable providing the original motion was a debatable motion. Substitute motions shall not be used for purposes of confusing the issue.

(e) TO RECONSIDER A MOTION

In order that a motion previously passed may be placed before the council for reconsideration, a motion to "reconsider" shall be in order providing such motion to reconsider is made by a member of the side prevailing on the vote of the original motion, providing that any member may second a motion to reconsider, providing that such motion to reconsider shall be made during the same meeting that the original motion was passed and providing further that motions to reconsider shall be made only once on any particular subject in each meeting. Motions to reconsider shall be not debatable.

(f) TO SUSPEND A RULE

In order to suspend temporarily any particular rule for a particular purpose not contrary to statute or city ordinance, a motion "to suspend" a rule shall be in order and such a motion shall be not debatable. Suspension of a rule shall take effect for the particular rule in question only for the particular time in a particular meeting in question and shall not be considered as a permanent suspension of a rule. A motion to suspend a rule requires a majority vote of the members (four), providing that the rules with respect to written ballot shall not be suspended except by unanimous consent of the council.

(g) TO REPRIMAND

In order to reprimand any member of the administrative staff, any member of the public or member of the council, a motion "to reprimand" shall be in order providing such motion shall be made for a specific violation or for repeated violation of council rules and providing such motion shall be made after the particular matter under discussion and debate by the council has been brought to vote and conclusion. Motions to reprimand require the approval of a majority of the council members (four) and shall be not debatable.

(h) TO CENSURE

In order to accomplish a vote of censure, a motion "to censure" shall be in order providing such motion shall be made for a specific violation or for repeated violation of council rules and providing such motion shall be made after the particular matter under discussion and debate by the council shall have been brought to vote and conclusion. Motions to censure require the approval of a majority of the council and shall be not debatable.

(i) TO AMEND A RULE

In order to amend a rule of the council that is not codified in this chapter, a motion "to amend a rule" shall be in order providing proper notice of such intention to amend shall have been placed on the agenda at some previous meeting providing one week's notice. A motion to amend a rule shall require a majority vote of council and shall be not debatable.

(j) TO ADJOURN A MEETING

In order to adjourn a council meeting, a motion "to adjourn" shall be in order providing such motion is made at the ordinary or usual conclusion of business on the agenda and providing

that motions to adjourn shall not be used to embarrass, to harass, to foreclose discussion and debate or for any other purpose other than the orderly termination of council proceedings at such times as may be appropriate in each particular meeting. Motions to adjourn shall require the vote of a majority of the council members and shall be not debatable and shall take precedence over any other motions at the end of council meetings and any other actions except points of order or privilege.

Section 42. Section 2.04.350 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.350. Conduct of Council Business - Individual actions.

In addition to motions which may be made and seconded by members of the council, there shall be certain actions which individual members shall be privileged to take at appropriate times without the necessity of such actions being placed in the form of motions. All such actions are subject to decision of the presiding officer or appeal, providing the appeal is made immediately after and in connection with the ruling of the chair. The following individual actions or requests shall be authorized:

- (a) TO RAISE A POINT OF ORDER shall be made at any time by any member who alleges the rules of procedure are being violated. (See Section 2.04.310.)
- (b) TO RAISE A POINT OF PERSONAL PRIVILEGE shall be made by any member desiring to request such personal privileges as may be authorized by the rules of procedure, providing that such request shall be made at the conclusion of any individual items of business on the agenda. (See Section 2.04.300.)
- (c) TO REQUEST ADDITIONAL INFORMATION shall be made at any appropriate time during a council meeting.
- (d) TO ENQUIRE shall be made at any appropriate time during a council meeting.
- (e) TO COMMENT shall be made at any appropriate time during a council meeting.
- (f) TO APPEAL shall be made immediately following and in connection with a ruling of the presiding officer. (See Section 2.04.250.)
- (g) TO RECESS shall be made at any reasonable time and for any reasonable purposes during meetings, providing such requests shall not be made during debate or discussion or immediately prior to a vote or for purpose of influencing a vote or for harassing other members or individuals appearing before the council.
- (h) TO BE EXCUSED FROM THE MEETING shall be made at reasonable times for good and sufficient reasons, providing that such requests shall not be made immediately prior to vote on any matters under debate or discussion or for the purpose of delaying action on any matters under consideration or for the purpose of reducing the number of members present in

order to influence a vote or for the purpose of preventing a quorum being present to conduct business.

- (i) TO PASS A VOTE shall be made in connection with any vote in which a member of the council may have a conflict of interest and shall not be used for the purpose of evading a vote or delaying or obstructing business.
- (j) TO REQUEST A PARLIAMENTARY RULING shall be made at any time a member alleges the rules of procedure are being violated or at any time a member requests clarification either of rulings that have been made by the presiding officer or rulings that may be applicable under certain circumstances. Requests for parliamentary ruling shall be made to the city attorney as may be desired by any member of the council; providing, however, that the parliamentary ruling of the city attorney in connection with the rules of procedure shall be final and shall be mandatory on the presiding officer.
- (k) TO MOVE THE PREVIOUS QUESTION shall be made at any appropriate time after a motion has been made and seconded when it is desired to bring the debate to an end and to bring about a vote on the matter under debate. The presiding officer shall call a vote on the original motion immediately after such move for the previous question has been seconded and passed by a super-majority vote of the council members (five), provided however, that the previous question shall not be implemented until all members of the council have had an opportunity to speak to the original motion. In the event the presiding officer does not act under these circumstances, the move for the previous question shall be made in the form of a motion which, if seconded and approved by a super-majority of the council members (five), shall make it mandatory that the presiding officer call the previous question for vote without further debate or other delay.

Section 43. Section 2.04.360 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.360. Conduct of Council Business - Requesting state of emergencies.

The mayor or presiding officer shall have the authority to request a state of emergency whenever such declaration is in the interest of the city and essential in connection with the passage of an appropriate ordinance or other action of the council. Such request shall be made in writing, and approved by a majority (four) of the council.

Section 44. Section 2.04.370 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.370. Presentation and form of ordinances.

(a) Presentation.

No ordinance shall be presented to the city council unless the same is introduced or endorsed by a member of the city council, recommended by the city manager or submitted as a petition ordinance under state statute.

(b) Format Of Proposed Ordinances.

An ordinance prepared for submission to the council should be in a standard format prescribed by the city attorney. An ordinance that amends the City Code or a proposed ordinance should be in legislative drafting format, with the language to be added underlined and language to be deleted bracketed and stricken. Except as provided in Subsection (c), the city attorney should prepare:

1. A written draft of a proposed ordinance for submission to the council before the first reading of the ordinance; and
2. A written draft of an amendment to a proposed ordinance before the council votes on the ordinance.

During a council meeting, the city attorney may make minor amendments to a proposed ordinance by hand and, for the purpose of providing a written draft, may request that the council postpone consideration of a proposed ordinance that has been significantly amended during the meeting.

- (c) The city attorney shall approve all ordinances as to form and legality before passage by the city council. All ordinances shall first be read by title as required by law and laid over until a subsequent regular or consent meeting unless a public emergency be declared; provided, however, that no ordinance shall be declared an emergency which grants a franchise or special privilege.

Section 45. Section 2.04.380 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.380. Presentation and form of resolutions.

No resolution shall be presented to the city council unless the same is introduced or endorsed by a member of the city council or recommended by the city manager. The city attorney shall approve as to form and legality all resolutions passed by the city council. Resolutions shall be adopted on one reading by the council.

(Ord. No. 23-264 § 34)

Section 46. Section 2.04.390 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.390. Form and approval of proclamations.

All proclamations shall be handled in the usual course of city business as follows:

- (a) Written request shall be submitted to the City Council office, via regular mail, fax, e-mail or hand delivered.
- (b) Requests are reviewed by the administrative assistant with the Mayor.
- (c) Thereafter requests for proclamations and the proposed language for the proclamation are processed with the following information for approval by the City Council:

1. Name of the requesting party
2. Name of the organization or group requesting the proclamation
3. Telephone number, fax number and e-mail of contact person
4. Requested date, time and venue for receipt of the proclamation

A memo containing such information will be circulated to all Council members. Each Council member indicates his or her preference regarding the proclamation, signs the memo and returns it to the administrative assistant for tabulation. If there is a consensus among the Council for presentation of the proclamation, the requesting party is advised and a presentation or pickup is scheduled. Proclamations will be signed by the mayor and issued at the next regularly scheduled council meeting or at a press conference.

Section 47. Section 2.04.400 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.400. Investigation and action on complaints.

- (a) INVOLVING MUNICIPAL POLICIES. All complaints involving municipal policies shall be referred to the city council for appropriate action and, except in the most unusual cases, such action shall be preceded by report and recommendation of the city manager, who shall have been given ample opportunity and time in which to investigate and to render a report in connection with such complaint.
- (b) INVOLVING CHARGES OF UNFAIR, ETC., HEARINGS. All complaints involving charges of unfair hearings or improper hearings or inadequate hearings before advisory boards and commissions shall be referred immediately to the particular board or commission concerned for a rehearing except when other procedures are provided by this Code or state statute; provided, however, that such referral shall be accompanied by a written statement from the person complaining of such improper hearing, which statement shall delineate the specific charges in order that the particular board or commission concerned may be able to take appropriate action.
- (c) RELATIVE TO CITY MANAGEMENT. All complaints with respect to the management of the city shall be referred to the city manager for the necessary or appropriate action in each individual case. In the case of those complaints involving the management of the city wherein the council desires further information, the city manager when so requested by a majority (four) of the council shall be given adequate time in which to make the necessary investigation and report back to the council.
(Ord. No. 23-264 § 36)

Section 48. Section 2.04.410 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 2.04.410. Recall.

Members of the city council are subject to recall by the electorate for the grounds and under the procedures established by KSA 25-4301 et seq. If any member is recalled under such procedures, a vacancy shall exist and shall be filled as authorized by law and the city code.

Section 49. The original Sections of Chapter 2.04 of the Code of the City of Wichita are hereby repealed.

Section 50. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 25th day of March, 2008.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law