

Handbook for Members of Boards,
Commissions, and Committees of the City
of Gardner, Kansas



August, 2016

The Purpose of This Handbook

This handbook provides guidelines for members of the City of Gardner's boards, commissions and committees. This information is designed to closely follow the rules and regulations that apply to the City Council and to delineate their roles and responsibilities in order to create a uniform public process for the City of Gardner's public bodies. Most of the information contained in the handbook will apply to your board and commission; however, your board or commission may have additional special provisions that are specific to its function. If you are unsure whether or not a specific rule applies to your board or commission, or, if you have further questions concerning any aspect of your duties and responsibilities, you should ask your staff liaison for clarification or contact the City Clerk's Office.

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Introduction

Thank you for agreeing to serve on one of the City of Gardner's boards, commissions, and committees (B/C/C's). Our city is greatly enriched by the work of the many volunteer B/C/C members who contribute their time, effort, and expertise to help improve the quality of life for all residents.

The board and commission process is essential to the successful function of city government; and your contributions are invaluable. As a B/C/C member, your role is to help shape the future of the City of Gardner. You will be studying and recommending policy direction on a variety of issues vital to the City's future. This handbook has been developed to help you meet the challenges you will face along the way.

It takes a substantial commitment of time and hard work to be a good B/C/C member. Your decisions and recommendations can have a direct impact on the quality and level of services the City offers to its citizens, so it is important to keep in mind the needs of all citizens during the decision making process. You will read and study materials in advance of meetings. You will be required to listen to hours of discussion and testimony at public meetings. Often you will be asked to make difficult recommendations. In your role as a B/C/C member, you are asked to no longer consider solely your own perspective or that of your own peer group, but to consider the perspectives of all the communities who have a stake in any particular issue. Your role is to support the democratic process by considering the broadest set of perspectives on issues.

Your deliberations help the City Council to do its job. Sometimes council decisions will directly incorporate your recommendations into their decisions, while other times your input will be one of many factors to be weighed by the Council prior to a final decision.

As a B/C/C member, you are now a City official and are bound by ethical standards, state laws, and city policies. You will work closely with city staff, policymakers, citizens, other government representatives, lobbyists, and grass-roots organizations. This manual is intended to guide you through these areas and assist you in your service as a B/C/C member.

Your decisions will be reviewed and scrutinized by the public, the City Council, media, and other interested parties.

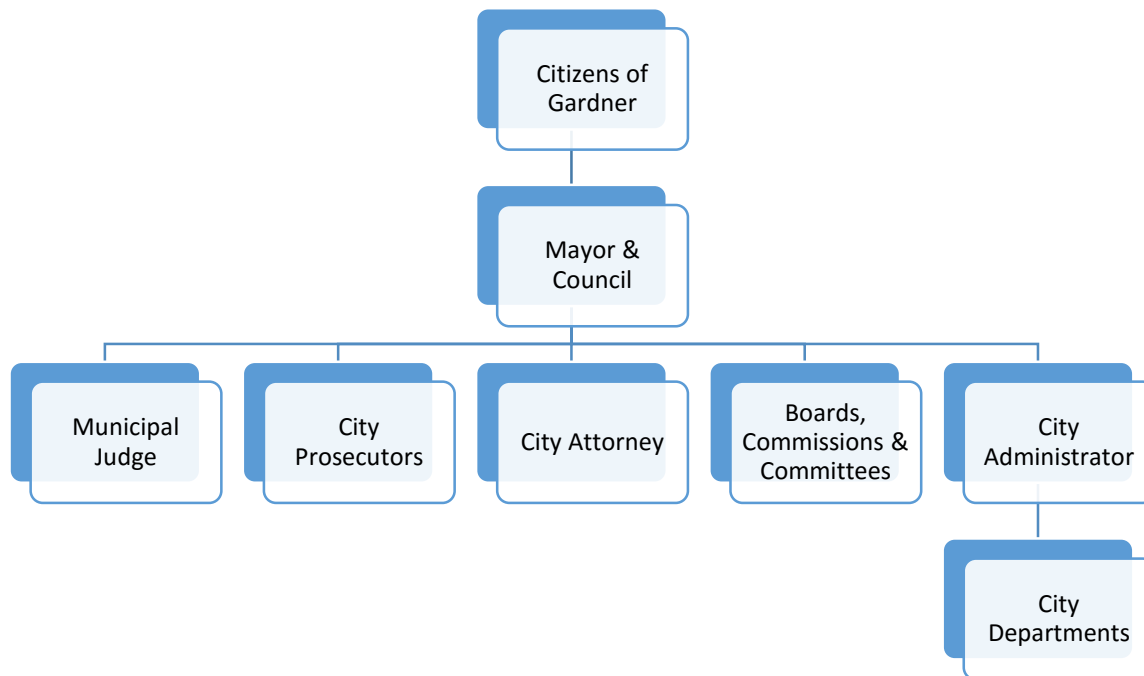
It is important to understand that your personal behavior, both inside and outside of public meetings, will be observed and open to criticism by others. Ethics, good judgment, and dignity are the foundation of public service and the credo of city officials. By meeting these expectations, you will enhance our community's perception of city government.

Being a B/C/C member is often challenging, but if you do it well, it will be an exciting and rewarding experience as you help shape the future of our community. We hope that this handbook will help prepare you for serving as a member of the City of Gardner's boards, commissions and committees program.

City of Gardner Governmental Structure

Form of Government

Article 12, Section 5 of the Kansas Constitution empowers cities to determine their local affairs and government and enables the legislature to enact laws governing cities. The City of Gardner has adopted a charter ordinance exempting out of many of the provisions of state statute relating to the composition and method of electing members of the Governing Body. The mayor and five councilmembers shall constitute the governing body and shall be elected at-large for four-year terms or until their successors are qualified. The mayor with consent of the Council may establish rules and procedures for the appointment, removal and other conditions of employment for as many officers and employees as they may deem necessary, in the best interest of the City, to perform its lawful services and functions. The Council appoints a President and Vice-President of the Council after each election.



Governing Body

The Mayor and the City Council form the Governing Body of the City of Gardner. The Governing Body is responsible for establishing and enforcing all municipal laws, ensuring that municipal services meet the desires of the community and formulating policies that guide the operation of the City organization.

Responsibilities of the Mayor include:

- Presiding at all meetings of the Council and having the tie-breaking vote when the Council is equally divided
- Approving or vetoing any ordinance as the laws of the state shall prescribe
- Representing the city at official functions

Responsibilities of the Governing Body include:

- Enacting ordinances for the proper governing of the City
- Approving changes in the Municipal Code as required
- Adopting the annual budget and related financial documents
- Awarding municipal contracts
- Establishing all other policies necessary to promote the health, safety and welfare of the City and its residents
- Appointing the City Administrator
- Making appointments to City boards, commissions and committees
- Representing the City to the public and other governmental bodies

City Council Meetings

Regular meetings of the council shall be held on the first and third Mondays at 7:00 p.m. In all cases, it shall require four members of the council to constitute a quorum to do business. All meetings of the Council and its B/C/C's are open to the public and the media. The City Council has adopted its own ["Governing Body Rules of Procedure"](#).

Boards, Commissions & Committees (B/C/C's)

In addition to elected officials and professional staff, the City of Gardner relies on B/C/C's to enhance the decision-making process. The process provides an opportunity for further public discussion and gives the City Council a broader base of information on which to formulate decisions. Each B/C/C has as its focus a specific area of interest. Members are primarily citizens, serving voluntarily and without compensation. Applicants are interviewed by the Mayor and two Councilmembers. Appointments are approved by the City Council.

City Administrator

The City Council appoints a City Administrator to execute its policies and objectives. The City Administrator is responsible for:

- Overseeing the operation of all departments of the City of Gardner
- Recommending adoption of policies
- Recommending adoption of an annual budget and overseeing the administration of the budget
- Making short- and long-term planning recommendations
- Attending meetings of the City Council

City Departments

The primary City departments are: Administration, Business & Economic Development, Finance, Public Works, Police, Parks & Recreation, and Utilities. You will find that your B/C/C works very closely with at least one city department, if not more.

City Clerk

The City Clerk is appointed by the City Administrator. The Clerk ensures compliance with Open Meeting Laws, Open Records Laws, and maintains the official records of the City. The City Clerk administers the City's B/C/C program and conducts training for members of the B/C/C's, as well as maintains member rosters and processes applications for the B/C/C's. Be sure to provide any changes in your contact information as soon as possible to the City Clerk's Office so that your record is accurate.

Roles and Responsibilities

B/C/C's are accountable to the City Council on issues delegated to them by the Council. B/C/C recommendations are important to the City Council and give substantial weight. B/C/C recommendations are presented to the City Council by report prepared by staff including minutes of meetings. The City Council reviews and considers the B/C/C recommendation before making decisions; however, the final decision rests with the City Council. The City Council has several options and may:

- Approve the recommendations.
- Change the provisions of the recommendation.
- Send a matter back for further consideration.
- Not accept the recommendation.

The mission of your B/C/C is found in its establishing legislation (ordinance or resolution) and summarized later on in this handbook. Your B/C/C should focus on issues that fall squarely within the umbrella of activities created for you by the City Council.

Advisory

Most of the B/C/C's are advisory in nature focusing on studying issues assigned to them by the City Council, or as designated by the adopting ordinance or resolution. The B/C/C's will recommend a course of action based on their review.

As an advisory body, a B/C/C shall not take independent action to represent a position or opinion, whether or not related to its responsibility pursuant to City ordinance or resolution, except by submitting an advisory recommendation to the City Council. A B/C/C member may express a personal opinion outside his or her role as a B/C/C member, but he or she shall not represent himself/herself as a B/C/C member or use the title of B/C/C member in doing so.

B/C/C recommendations will be based on staff report, public input, and group discussion. B/C/C members shall take care to ensure the public's business is conducted openly and that public input is expressed in a public meeting or in writing and recorded as part of the record of deliberation. It is not appropriate for citizens who are the principal parties in interest or who have a financial stake in a forthcoming agenda item to meet in private, undisclosed meetings with B/C/C members. These discussions should occur at public meetings. B/C/C members may, however, engage in information gathering outside the public meeting framework.

Quasi-Judicial

B/C/C's that have a quasi-judicial function hear evidence on matters and present their findings to the City Council for approval. In the case of the Board of Zoning Appeals (BZA), the final decision rests with the BZA. The Planning Commission can serve both in an advisory and quasi-judicial capacity. These B/C/C members need to be careful to act only within the authority assigned to them by City ordinance or state statute.

Membership & Terms

It is the City Council's policy that an individual may serve on only one B/C/C at any given time. Members serve at the discretion of the City Council and may be removed from office by a majority vote of the

Governing Body for good and sufficient cause. Cause shall include but not be limited to, any violation of any applicable law, regulation or policy; neglect of duty; and failure to comply with the appointive body attendance policy.

Most appointments to the City of Gardner's B/C/C's are for three-year terms, unless an appointment is made for the balance of a member's term due to resignation, disqualification from office, or removal. The Utility Advisory Commission has four-year terms. Members wishing to be considered for reappointment after their term has expired shall follow the appointment process as outlined in the "Governing Body Rules of Procedure". When a member has served for a period of eight consecutive years on one particular body, that member generally will not be eligible for reappointment until the member has vacated the position for one full term. Members may be reappointed beyond the eight-year limit under exceptional circumstances.

Orientation & Training

An orientation will be provided by the staff liaison. Prior to the first meeting, members must take the Oath of Office. As a B/C/C member, you are required to complete an annual online training regarding Open Records, Open Meetings, and Public Officials Liability.

Membership Roster

The City Clerk maintains current membership rosters for all the City's B/C/C's. If your contact information changes, be sure to notify the Clerk's office as soon as possible at cityclerk@gardnerkansas.gov.

Role of B/C/C Members

- **Learn What Your Responsibilities Are.**
Attend orientation. Read the materials provided, familiarizing yourself with the duties of membership and the governing rules and regulations. When you have a questions, ask a knowledgeable person for help with the answer. Become familiar with parliamentary procedures.
- **Attend the meetings.**
Attend all regular and special meetings. If you are not at a meeting, you will miss important information, discussions, and decisions. In addition, your B/C/C might not have the necessary quorum to vote on issues, in which case its ability to act will be hindered and others who have arrived prepared will be inconvenienced. If you must miss a meeting, notify the staff liaison indicating the reason for your absence. Members violate the attendance policy if they miss three consecutive meetings or attend fewer than 2/3 of the meetings within a twelve-month period without excuse. "Excuse" shall mean more than inconvenience and includes illness or family emergency. Business commitments shall not be a good excuse. Violation of the attendance policy will be reported to the City Clerk and the Mayor.
- **Prepare for Each Meeting.**
Review the meeting packet prior to each meeting, and keep associated reference materials accessible during the meeting. If you have received correspondence from the public (including e-mail) that is addressed to the B/C/C, submit it to the staff liaison so copies can be distributed to all members and become an official City record.
- **Participate Actively**
Assume that the productiveness of a meeting is partly your responsibility. Get to know the other members of the B/C/C, their interests, strengths, and communications styles. Be ready to listen,

to ask questions, and to consider the alternatives. Provide leadership within the B/C/C; don't be afraid to make your opinions known. Keep yourself informed on matters concerning the B/C/C and the community.

- **If You No Longer Can Be a Productive Member of Your B/C/C, Consider Resigning**

If your situation changes such that you are no longer actively and effectively participating in your B/C/C's meetings and other activities, give thoughtful consideration as to whether you should leave. If you decide that it would be better to make room for someone else on the B/C/C, inform your staff liaison and the Mayor in writing that you wish to resign.

- **Observe Meeting Decorum**

When there is no consensus on an agenda item, members may need to agree to disagree and move on with the majority position. Strive to act on behalf of the community as a whole, not on behalf of an individual group or point of view. Be prepared to respond objectively to criticism. Know that your opinion does count, but that the most reasoned, thoroughly considered positions are the ones most likely to prevail. If a conflict of interest on a particular matter arises during discussion or review, remove yourself from any discussion or action on that subject. Exercise non-reactivity to comments, questions, suggestions, or criticisms voiced.

Role of B/C/C Chair

The chairman of a B/C/C presides over meetings, setting the tone for collegiality, professionalism, efficiency, fairness, inclusiveness, and respect for all involved. She or he is responsible for guiding members toward the stated objectives while honoring the many, varied interests and goals of the individual B/C/C members.

- **Conduct Meetings Efficiently, Following Parliamentary Procedure**

Become familiar with *Robert's Rules of Order*, as well as any rules that apply to the specific B/C/C. Conduct meetings accordingly. Call meetings to order at the appointed time, and strive to end them at the anticipated time. At each meeting, report on the status of action items previously assigned. Seek to clarify when there is confusion, and re-state or summarize when a great deal of information has been presented. Before calling each vote, re-state the question.

- **Conduct Meetings Professionally**

Remain cognizant of the B/C/C's objectives. Keep members' focused and discussion on the topic at hand, moving from one topic to the next as quickly as possible without rushing decisions. Treat all participants with respect, and require respect in interactions among all participants. Seek to reach consensus among all B/C/C members before reaching a decision.

- **Guide Interactions with the Public**

Provide opportunity for comments from the public establishing a reasonable time limit for each. Ensure that public testimony does not impede the business of the meeting.

- **Moderate Discussions Even-Handedly, and Deal with Conflict Gracefully**

B/C/C members should treat each other with respect. Members should listen to the opinions of other members, respond respectfully to discussions even when they disagree, and wait their turn to speak. It will be the responsibility of B/C/C chairs to moderate discussions, to ensure that everyone has a chance to speak and that all opinions are heard.

Role of B/C/C Liaison

The City Administrator assigns a City staff member to work with each B/C/C. Your staff liaison wears many hats and one of those is to provide support for your B/C/C. Among other things, the staff liaison's role is to:

- **Prepare for Meetings**
Prepare meeting agenda and notices of the B/C/C; post the agendas on the City of Gardner's website. Prepare and distribute meeting agenda packets to B/C/C members, City Council, appropriate staff, and others, as requested.
- **Serve as a City-B/C/C Liaison at Meetings**
Record minutes of meetings, according to the City's established standards for minutes. Include issues discussed and motions and decisions made. Communicate with the B/C/C Chair regarding the City Administrator's and City Council's direction and requests, as well as City policies and procedures. Coordinate contact with other staff and appointed bodies as necessary.
- **Complete Post-Meeting Tasks**
Facilitate the transmission of B/C/C interests, concerns, and recommendations to the appropriate City staff. Post approved minutes on the City's website.
- **Help New B/C/C Members Become Established**
Ensure that members have taken the Oath of Office (administered by the City Clerk) before they attend and participate in their first B/C/C meeting. Facilitate B/C/C-member training.
- **Monitor and Report on B/C/C Membership and Participation**
Monitor and keep records on members' attendance, dates of service, training, and vacancies. Annually submit attendance data to the City Clerk and the Mayor. In the event that a B/C/C member tenders her or his resignation to the B/C/C chair, ensure that the Mayor is notified, as well.
- **Assist in the Process of Selecting a B/C/C Chair and Vice Chair**
Coordinate the annual process of selecting a Chair and a Vice Chair, in accordance with City Council policies and procedures. Provide updates to the Mayor.
- **Ensure compliance with Open Meeting Law requirements**
All B/C/C's are subject to the Kansas Open Meetings Act. The staff liaison is responsible for ensuring the B/C/C complies with the requirements of the Act.
- **Prepare recommendations to the City Council**
The staff liaison will prepare B/C/C recommendations for the City Council Agendas and make presentations to the City Council on behalf of the B/C/C.

B/C/C members do not have authority over the work program of City staff. Rather, the liaison acts as an information resource and provides technical assistance. B/C/C members may not direct City staff in the performance of their B/C/C-related activities, nor can they assign projects or direct the work of staff. A B/C/C may request staff's assistance on various projects; however, the City Administrator must approve all requests which create a substantial demand for a work product.

Boards and Commissions

Airport Advisory Board

The Airport Advisory Board is established by Ordinance No. 2497. The full establishing language can be found in [Chapter 2.25](#) of the Gardner Municipal Code. The Airport Advisory Board's purpose is to advise

the City Council on matters pertaining to the continued growth and improvements of the airport including: acquisition of property, construction and reconstruction of airport facilities, institution of programs and procedures which will increase usage of such facilities and the airport master plan. Board members must be at least 18 years of age, a registered voter, and have a vested and working knowledge of the Gardner Municipal Airport; they are not required to be residents of Gardner. The Board consists of five members. Officers are elected by the Airport Advisory Board. The Airport Advisory Board meets on the second Monday of the month at 7:00 p.m. at City Hall.

Staff Liaison: Public Works Director

Board of Zoning Appeals

The Board of Zoning Appeals (BZA) is established in accordance with the provisions of K.S.A. 12-714. The full establishing language can be found in Chapter [18.190](#) of the Gardner Municipal Code. The BZA's purpose is to consider and make decisions regarding: appeals of the City's actions in administering the Zoning Ordinance and variances from the specific requirements of the Zoning Ordinance. BZA members must be residents of the City of Gardner. The BZA consists of five members. Officers are elected by the BZA on an annual basis. The BZA shall adopt rules of procedure in accordance with the authority conferred by K.S.A. 12-714. The BZA meets on the first Tuesday of the month at 6:30 p.m. at City Hall when an application has been initiated.

Staff Liaison: Business & Economic Development Director

Planning Commission

The Planning Commission is established by ordinance with the full establishing language found in [Chapter 2.30](#) of the Gardner Municipal Code. The Planning Commission's purpose is to review development proposals for compliance with the City's adopted plans and development policies; receive reports from City staff; conduct public hearings; and make recommendations to the City Council on long-range planning, land use maps, plats, development plans, zoning and rezoning, conditional uses, zoning ordinance regulations, and subdivision regulations. Commission members must be qualified electors and residents of the City, except two may reside within three miles outside of the corporate limits. The Commission consists of seven members. Officers are elected by the Planning Commission on an annual basis. The Planning Commission meets on the fourth Tuesday of the month at 7:00 p.m. at City Hall.

Staff Liaison: Business & Economic Development Director

Utility Advisory Commission

The Utility Advisory Commission (UAC) is established by Ordinance No. 2474 with the full establishing language found in [Chapter 2.55](#) of the Gardner Municipal Code. The UAC's purpose is to provide guidance and recommendations for all utilities of the City including water, wastewater and electric. Commission members must be qualified electors and residents of the City. All members must be customers of a City utility. No voting member may hold any City office or be an employee of the City government or conduct business with the City's utilities. The Commission consists of five members. Officers are elected by the UAC on an annual basis. The UAC meets on the first Thursday of the month at 7:00 p.m. at City Hall.

Staff Liaison: Utilities Director

Advisory Committees

ADA Advisory Committee

The ADA Advisory Committee (ADA) is established by Resolution No. 1938. The purpose of the committee is to act in an advocacy and advisory role to improve the access of citizens with disabilities to all government and community facilities and activities. Committee members must be residents of the City with a preference for three spots to be filled by individuals with disabilities. The Committee consists of six members and a Council representative. The ADA Committee meets on the third Wednesday of the month at 6:00 p.m. at City Hall.

Staff Liaisons: ADA Coordinator and Human Resources Manager

Citizens Police Advisory Committee

The Citizens Police Advisory Committee (CPAC) is established by Resolution No. 1937. The purpose of the committee is to improve and foster understanding and communications between the police and the Gardner community. Committee members must be residents of the City of Gardner. The Committee consists of six members and a Council representative. The CPAC meets on the third Tuesday of the month at 7:00 p.m. at City Hall.

Staff Liaison: Chief of Police

Economic Development Advisory Committee

The Economic Development Advisory Committee (EDAC) is established by Resolution No. 1935. The purpose of the committee is to provide broad policy recommendations to the City Council regarding economic development. Committee members must be residents of the City of Gardner. The Committee consists of six members and a Council representative. The EDAC meets on the third Thursday of the month at 6:00 p.m. at City Hall.

Staff Liaison: Business & Economic Development Director

Parks & Recreation Advisory Committee

The Parks & Recreation Advisory Committee (PRAC) is established by Resolution No. 1939. The purpose of the committee is to recommend policies and guidelines to the City Council on matters pertaining to parks and recreational programming that foster and promote an improved quality of life for residents. Committee members must be residents of the City of Gardner. The Committee consists of six members and a Council representative. The PRAC meets on the fourth Monday of the month at 6:00 p.m. at City Hall.

Staff Liaison: Parks & Recreation Director

Streets, Sidewalks & Stormwater Advisory Committee

The Streets, Sidewalks, and Stormwater Advisory Committee (SSSAC) is established by Resolution No. 1936. The purpose of the committee is to serve as an advisory body to the City Council on issues relating to the planning, design, and construction of capital improvement projects and other public infrastructure and assets. Committee members must be residents of the City of Gardner. The Committee consists of six members and a Council representative. The SSSAC meets on the Tuesday following the first council meeting of each month at 7:00 p.m. at City Hall.

Staff Liaison: Public Works Director

Public Officials Liability

The public's trust in governing bodies is enhanced when citizens are confident that personal or business interests will not influence the decision-making of elected, appointed, and employed officials.

The potential exposures for public officials are considerable and can come from internal or external sources. Lawsuits may be filed against individual public officials. Public officials can face exposure in the following areas:

- Land use claims.
- Administration of federal grants.
- Granting or denying franchises, permits, or licenses.
- Failure to protect public trust, including failure to attend meetings, or to examine documents.
- Use of inside information for personal benefit.
- Keeping silent about improper conduct of fellow officials.
- Denial of due process.
- Harassment of a business or employees.

Following these general guidelines will help you avoid potential problems as a public official.

- Think and act in terms of "We", not "I". As an individual member, you do not have the authority to work on your own; you must work as a collective body to accomplish the City's goals.
- Be fair and impartial. Work for the benefit of the entire community, without partiality, prejudice, or bias.
- Avoid any conflict of interest.
- Quasi-judicial matters: Consider only evidence and the law. Avoid engaging in ex parte communications with others regarding any quasi-judicial proceeding (such as a land use deal). If you engage in ex parte communication, report it so it can be included in the official record.
- Don't act on personal motives.
- Never retaliate against someone.
- Focus on legislative and quasi-judicial issues. Delegate personnel issues to staff.
- Stay within the scope of your authority.
- Be knowledgeable about the process and procedures of municipal government and the specific responsibilities associated with being a member of your B/C/C.
- Avoid making recommendations or expressing views that have not been approved by a majority of the members of the B/C/C you represent without clearly indicating that you are speaking as a private citizen.
- Public statements should contain no promises to the public that may be construed to be binding on the B/C/C, staff, or City Council.
- When making a public statement, stress that B/C/C actions are recommendations and that final action will be taken by the City Council. Or, in the case of the few B/C/C's with decision-making authority, are subject to appeal to the City Council.
- Attend the meetings of your B/C/C. Be sure to arrive promptly and stay until all business has been concluded.
- Place the public welfare ahead of your own.

Kansas Open Records Act

The Kansas Open Records Act (KORA) is established by [K.S.A. 45-215](#) *et seq.* KORA provides the procedure for the public to view and make copies of public records. It states that all public records shall be open unless otherwise provided by K.S.A. 45-216(a). It also defines and categorizes records. Public records are records made, maintained, created or possessed by a public agency in any form including electronic storage. Public Agency includes the City Council and all appointed members of B/C/C's. Effective July 1, 2016, records made, maintained or kept by a member of a B/C/C are public records if they relate to the business of the B/C/C. Records may be discretionarily closed due to personal privacy, safety/security, or internal communication while policies are being developed. There are nearly 300 types of records that are mandatorily closed. Additional information on the Kansas Open Records Act is included in the appendix.

Kansas Open Meetings Act

The Kansas Open Meetings Act (KOMA) is established by [K.S.A. 75-4317](#) *et seq.* The City Council, all B/C/C's and any committees of a public body are subject to KOMA. KOMA states the meetings of these public bodies are required to be open to the public. KOMA defines a meeting as:

- A gathering or assembly in person, through the use of a telephone, or any other medium for interactive communication,
- By a majority of the membership of the body, and
- For the purpose of discussing the business or affairs of the body.

All three must be present for it to be considered a meeting. However, be careful about public perception should a majority of a body be meeting for purposes other than the affairs of the body. Informal discussions before, after or during a recess of a public meeting are subject to KOMA. KOMA also notes that "serial communications" may be considered a meeting if they:

- Collectively involve a majority of the membership of the body,
- Share a common topic of discussion, and
- Are intended by any or all participants to reach an agreement on a matter that requires binding action to be taken by the body.

Additional information on the Kansas Open Records Act is included in the appendix.

Meetings

Agendas & Order of Business

Agendas

B/C/C Agendas are compiled by the staff liaison. Agendas are posted on the City website and sent out to members at least two business days prior to the meeting. Agenda items will be placed on an agenda as the associated work can be completed by the staff liaison. Items are identified for the agenda in a variety of ways:

- In response to direction from the City Council
- In response to a directive from the City Administrator
- In response to a request from the chairperson
- As requested by the B/C/C at a public meeting
- As deemed necessary by the staff liaison

Agendas are necessary to the conduct of a meeting and they inform the B/C/C and the public of items that will be discussed. Items must be stated in a sufficiently clear way as to identify the subject matter and potential action(s) that can be taken. Placing an item on an agenda allows a B/C/C to discuss and possibly act on an item.

Order of Business

The Order of Business may differ for some B/C/C's. This is the recommended format.

Call to Order
Pledge of Allegiance
Presentations
Public Comment
Consent Agenda
New Business
Discussion Items
Other Business
B/C/C Member & Staff Updates
Adjournment

Rules of Procedure

Established guidelines and rules are essential to a productive and successful meeting. The provisions in this handbook are designed to follow closely the rules and regulations established by the City Council. The [Governing Body Rules of Procedure](#) outline these guidelines. Review Chapter 3 regarding “Conduct of the Governing Body” to learn more about General Conduct and Conduct with others.

Civility at Meetings

It is the chairperson's responsibility to maintain meeting civility, whether or not it is at the B/C/C level, staff level, or audience level. Meetings should be conducted in a professional manner so that a B/C/C's business is accomplished in a fair, impartial, and orderly manner. Inappropriate meeting conduct by both the participants and audience sets the example and tone for how the rest of the meeting will take place.

Occasionally, a chairperson will be required to take steps to maintain control of the meeting by intervening in a controversial discussion and to bring control of the meeting back to the order.

The Chairperson should not allow outbursts from the audience. Members of the audience should be reminded that, when it is their time to speak, they must address the B/C/C, and not a city employee, consultant working on a project, or other citizens.

Public Participation

Time shall be set aside at every B/C/C meeting to allow the public to address the B/C/C on matters that are not listed on the printed agenda but which relate to the business of the City. Public comments will be limited to 5 minutes.

B/C/C members shall:

- Make the public feel welcome
- Be impartial, respectful and without prejudice toward the public
- Listen courteously and attentively to public comments
- Represent official policies or positions of the B/C/C first
- Explicitly state when their opinion and positions do not represent the B/C/C when representing their individual opinions and positions
- Make no promises to the public on behalf of the B/C/C or the City

Robert's Rules of Order

For any items not covered by the Governing Body Rules of Procedure or by this Handbook, the B/C/C's shall be governed in procedure by Robert's Rules of Order. Robert's Rules of Order contain a provision that identifies itself as the last in the line of authority and last in order of precedence. Thus, Robert's Rules should be the last authority, after all other existing authorities have been exhausted. If there is any conflict between Robert's Rules of Order and other laws and regulations, the other regulations control.

It is important to remember that Robert's Rules of Order is a guide for conducting the business of a meeting and it is not the law. The only required actions to make an item legal are a motion, a second, and a vote. Within that motion, second, and vote, intent must be clear and those who vote on the matter must clearly understand the intent. Robert's Rules provides formulas for the sequencing of different kinds of motions and an orderly rule for conducting a meeting. However, if a motion is plainly made, a second to the motion is placed on the record, and the voting participants understand the effect of their vote and support the outcome of the motion, it will stand up on its own even if it does not follow the letter of Robert's Rules.

Robert's Rules of Order establishes fair and impartial process for B/C/C's to conduct their business and it ensures that members get their say. A condensed version of Robert's Rules is included in the appendix for your reference.

Conducting a Successful Meeting

When representing and dealing with public concerns, fairness should be everyone's goal. Not everyone will be satisfied with the outcome of every decision your B/C/C makes. However, equal treatment during the decision making process will leave most participants satisfied that they were treated fairly. To ensure

every citizen receives fair and equitable treatment, meetings will benefit from the consistent application of the following guidelines for conducting a successful meeting:

1. Give adequate and timely notice of all meetings.
2. Start and end each meeting on time.
3. Conduct all meetings in accordance with the Kansas Open Meetings Act, Governing Body Rules of Procedure, and Robert's Rules of Order.
4. Follow a published agenda – supply enough copies of the agenda for everyone attending the meeting.
5. Ensure the place that you hold meetings can accommodate all members of the public who wish to attend.
6. Limit the agenda to the number of topics that can be dealt with in the time allotted.
7. Allow time for discussion and comment and notify speakers in advance of the amount of time they will have to speak.
8. Let everyone be heard.
9. All speakers must be asked to identify themselves (name and address) for the record.
10. The Chairperson should facilitate the meeting so that no one person dominates the discussion.
11. Try to keep your comments and questions neutral, focusing on the facts presented to you.
12. Direct your attention to the speaker, issue, or task at hand – do not be distracted by minor points.
13. Make decisions based on fact.
14. Avoid conflicts of interest.
15. Keep records of all actions taken.
16. Adjourn the meeting promptly when all business has been concluded.

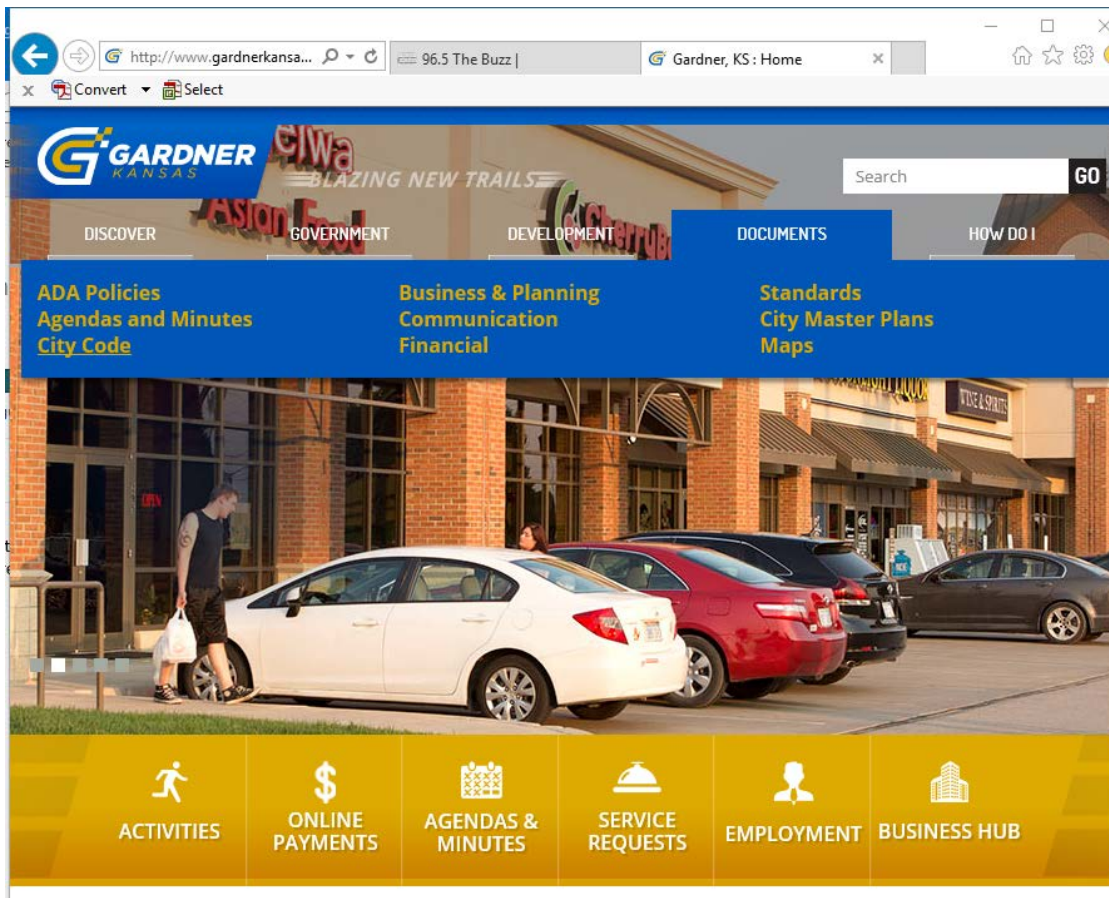
Appendix

Gardner Municipal Code

Gardner's Municipal Code is a compilation of all of the general ordinances of the City that currently apply to Gardner residents and governing bodies.

The entirety of the City Code can be viewed in one of these two ways:

1. On the City's website
 - Using an Internet browser, visit www.gardnerkansas.gov
 - On the City of Gardner main page, go to Document>City Code:



- On the subsequent screen, click on Municipal Code.
2. At the City Clerk's Office
The City Clerk's Office has a printed reference copy of the Gardner Municipal Code. The reference copy may not be taken from the building.

Kansas Open Meetings Act Overview

Summarized from the Kansas Open Meetings Act Guidelines as written by the Kansas Attorney General's Office – July 1, 2015. For more information visit <http://ag.ks.gov/open-government/resources>.

- I. Purpose and Construction
 - a. Public Policy. It is the public policy of Kansas that meetings be open to the public because “a representative government is dependent upon an informed electorate...”
 - b. KOMA is interpreted liberally and exceptions narrowly construed to carry out the public purpose of the law.
- II. Bodies Subject to KOMA
 - a. All legislative and administrative bodies, and agencies of the state, and political and taxing subdivisions thereof, which receive or expend and are supported in whole or in part by public funds. This includes cities, counties, and townships.
 - b. All subordinate groups, such as boards, commissions, authorities, councils, committees, subcommittees, are covered by the act if they are appointed by the parent body to weigh options, discuss options, present recommendations or a plan of action.
- III. Bodies and meetings not subject to KOMA
 - a. Staff meetings
 - b. Bodies exercising quasi-judicial functions such as Zoning boards or Hearing panels. Only the quasi-judicial deliberations may be closed – binding action must be in open meeting.
- IV. Meeting. KOMA only applies when a body subject to the act holds a meeting as defined by law.
 - a. “Meeting” defined by K.S.A. 2014 Supp. 75-4317a:
 - i. Any gathering or assembly, in person or through the use of a telephone or any other medium for interactive communication,
 - ii. By a majority of the membership of an agency or body, and
 - iii. For the purpose of discussing the business or affairs of the body or agency.
 - b. Gathering or Assembly, in Person or Through Use of a Telephone or other Medium for Interactive Communication
 - i. May conduct meetings by telephone or other medium for interactive communication if do so in compliance with all KOMA requirements
 - ii. Informal discussion before, after, or during recesses of a public meeting are subject to KOMA
 - iii. Title of the gathering, *e.g.* work session, is irrelevant if the three requirements of a meeting are met.
 - iv. “Serial communications” or interactive communications outside of a noticed meeting.
 1. Interactive communications in a series or “serial communications” may constitute a meeting subject to KOMA if they
 - a. Collectively involve a majority of the membership of the body or agency,
 - b. Share a common topic of discussion concerning the business or affairs of the body or agency, and

- c. Are intended by any and all of the participants to reach agreement on a matter that would require binding action to be taken by the body or agency.
 - c. Majority of the Membership of the Body
 - i. "A majority" means the next whole number greater than one-half of the total number of members.
 - d. For the Purpose of Discussing the Business or Affairs of the Body
 - i. Binding action or voting is not necessary, discussion is what triggers KOMA.
 - ii. "Meeting" includes all gatherings at all stages of the decision making process.
 - iii. Social gatherings are not necessarily subject to KOMA; if there is no discussion of the business of the body, one element is absent.
 - iv. Retreats and meetings held in private clubs are probably prohibited, especially if site makes it impossible for public to attend without cost.
 - v. Members attending an educational conference/seminar where items of general interest are discussed are not in violation of KOMA, as long as the specific business of a body is not discussed.
- V. Notice of Meetings

Contrary to popular belief, KOMA does not actually require notice of meetings to be published in advance of the meeting in a paper, on the Internet, etc.

 - a. Must request notice of meetings before the public body is required to provide it. Notice shall be furnished to any person or organization requesting it.
- VI. Agendas
 - a. KOMA does not require that an agenda be created.
 - i. If a body chooses to create an agenda, the agenda must include topics planned for discussion if known at the time the agenda is prepared.
 - ii. Agenda may be amended during a meeting unless there is a statute or rule prohibiting amendment.
 - b. If agenda exists, it shall be made available to any person requesting it prior to the meeting.
- VII. Minutes
 - a. KOMA does not require minutes except to record motions for executive sessions.
 - b. Not required to disclose publicly draft of minutes before vote to approve such minutes unless draft publicly cited or identified in an open meeting or in the agenda of an open meeting, once cited or identified, draft minutes open.
- VIII. Conduct of Open Meetings
 - a. All meetings by public bodies subject to KOMA are required to be open.
 - b. Public attendance and observation only.
 - i. Any person may attend open meetings.
 - ii. KOMA does not require that the public be allowed to speak or to have an item placed on the agenda, "right" is to attend and listen.
 - c. Recording meetings. Use of cameras, photographic lights and recording devices not prohibited in open meeting. Use subject to reasonable rules designed to insure the orderly conduct of the meeting.
 - d. Action. Binding action by public body must be conducted in the open; secret ballots not allowed. The public must be able to ascertain how each member voted.

- e. Meeting location. KOMA does not dictate the location of the meeting, the size of the room, or other accommodation type considerations. Key to openness is whether location is accessible to the public.

Kansas Open Records Act Overview

Summarized from the Kansas Open Records Act Guidelines as written by the Kansas Attorney General's Office – July 1, 2015. For more information visit <http://ag.ks.gov/open-government/resources>.

- I. Purpose and Construction
It is the policy of Kansas that “public records shall be open for inspection by any person unless otherwise provided, and this act shall be liberally construed and applied to promote such policy”.
- II. Public Agencies Subject to KORA
The state or any political or taxing subdivision of the state, or any office, officer, agency or instrumentality thereof or any other entity receiving or expending or supported in whole or in part by the public funds of any political or taxing subdivision of the state.
- III. Records Subject to KORA
 - a. Unless closed pursuant to specific legal authority, all records are open for inspection.
 - b. KORA applies to public records, not private records.
 - i. “Public record” means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency...” This includes B/C/C members.
 - c. KORA does not apply:
 - i. Records made, maintained or kept by an individual who is a member of the governing body of any political or taxing subdivision of the state.
 - ii. Records owned by a private person or entity and that are not related to functions, activities, programs or operations funded by public funds.
 - iii. Records not yet in existence.
 - iv. KORA does not require a public agency to create a record in order to respond to requests or in order to answer questions asking for “information”.
- IV. Records that may be Discretionarily Closed
 - a. A public agency has discretion and may decide whether to make certain types of records available.
 - b. Records that may be discretionarily closed re set out in K.S.A. 45-221(a)1 through (55). Three general policy reasons records may be closed.
 - i. Personal privacy.
 - ii. Safety/security.
 - iii. Internal communications while policies are developed or administrative procedures are underway.
- V. Records that are Mandatorily Closed
Some public records are mandatorily closed by federal law, state statute, or Supreme Court Rule. The records custodian has no discretion or choice about whether to provide copies or access.

Robert's Rules of Order, in Brief

Making a Motion

Based on *Robert's Rules of Order Newly Revised (10th Edition)*

Part 1: Main Motions

These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion.

Purpose	You Say...	Interrupt?	Second?	Debate?	Amend?	Vote
Close Meeting	I move to adjourn	No	Yes	No	No	Majority
Take Break	I move to recess for...	No	Yes	No	Yes	Majority
Register complaint	I rise to a question of privilege	Yes	No	No	No	None
Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
Close debate	I move the previous question	No	Yes	No	No	2/3
Limit or extend debate	I move that debate be limited to...	No	Yes	No	Yes	2/3
Postpone to a certain time	I move to postpone the motion to...	No	Yes	Yes	Yes	Majority
Refer to committee	I move to refer the motion to...	No	Yes	Yes	Yes	Majority
Modify wording of motion	I move to amend the motion by...	No	Yes	Yes	Yes	Majority
Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
Bring business before assembly (main motion)	I move that [or "to"]	No	Yes	Yes	Yes	Majority

Part 2: Incidental Motions

No order of precedence. These motions arise incidentally and are decided immediately.

Purpose	You Say...	Interrupt?	Second?	Debate?	Amend?	Vote
Enforce rules	Point of order	Yes	No	No	No	None
Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
Demand a rising vote	I move for a rising vote	Yes	No	No	No	None
Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
Request for information	Point of information	Yes	No	No	No	None

Part 3: Motions that Bring a Question Again Before the Assembly

No order of precedence. Introduce only when nothing else is pending.

Purpose	You Say...	Interrupt?	Second?	Debate?	Amend?	Vote
Take matter from table	I move to take from the table...	No	Yes	No	No	Majority
Cancel previous action	I move to rescind...	No	Yes	Yes	Yes	2/3 or majority with notice
Reconsider motion	I move to reconsider...	No	Yes	Varies	No	Majority

Common-Sense Advice for B/C/C Members

1. Being appointed to a board, commission, or committee (B/C/C) is an honor and an important responsibility. Know that your participation will have an impact on our community, and beyond.
2. Since you accepted the appointment, it is assumed you knew what you were getting into:
 - If you do understand the requirements of the appointment and are ready to attend the many associated meetings and events, prepare for meetings, do any necessary research, listen attentively, attend applicable training sessions, think objectively, behave courteously, and give your best effort, thank you! You are the ideal B/C/C member.
 - If you're not sure of what is being asked of you – in terms of time, effort, ability, reliability, civility, and patience – find out *now*. If it is clear to you that you will not be able to fulfill the responsibilities of this appointment, tender your resignation.
 - If you were, at one time, a productive, contributing member of a B/C/C, but things have changed, congratulate yourself for past accomplishments, then consider whether you should resign to make room for someone else.
3. As a B/C/C member, you represent the City of Gardner; strive to create a good impression of our city. Your opinions on certain subjects carry more weight than they used to. Some will judge Gardner by your words and actions. Indeed, you might be the first or only contact some person ever has with the City of Gardner.
4. Do not view this appointment as an opportunity to showcase your brilliance, know-how, oratorical skills, or single-issue agenda. Your goal should be to attempt to enhance life for all Gardner residents by maintaining and improving communications, processes, and services.
5. Show respect to the B/C/C and the public by –
 - Being prompt to meetings and events.
 - Attending all meetings, ensuring a quorum.
 - Speaking audibly and clearly, so the audience can hear and understand.
 - Studying the contents of the meeting packet and any other relevant materials prior to each B/C/C meeting.
 - Weighing your words before speaking them, filtering out unnecessary comments. This can shorten meetings, increase productivity, and greatly increase your personal satisfaction.
6. Train yourself not to speak on behalf of your B/C/C, unless you have been given that mandate on a specific subject. Watch your tongue in public, at home, with friends, and everywhere else. Should you be pressed for an opinion or answer, have a set of responses at the ready: “Our meetings are open to the public; why don’t you plan to attend the next one?”; “The committee hasn’t yet decided on that, but some materials are posted on the City’s website...”; “I can’t speak for the entire committee, of course...”
7. Choose forthrightness over sarcasm or dismissive gestures. Assume that others are well-intended.
8. Give speakers your undivided attention.
9. Speak, act, and dress professionally.
10. Take care that the phrasing and intonation of questions are information-seeking, not accusatorial.
11. Keep your mind open until all the facts have been considered. Embrace and respect the ideas and opinions of others, even if your mind is already made up.
12. Let the experts answer the technical questions. Allow the person who was asked the question a chance to answer the question first.

13. Refrain from announcing how you plan to vote on an issue. It's quite possible that you will change your mind before the vote is called.
14. If an issue arises that, you feel, will create an actual or perceived conflict of interest, recuse yourself from the discussion and the vote.
15. Honor all confidence, both during and after the tenure of your service.
16. Speak ill of no one. If you have an issue with someone, bring it up to that someone, privately.
17. The role of staff on B/C/C's is to provide as much support as is requested, to a degree that is reasonable. Staff members are professionals with far more knowledge and experience than most B/C/C members have. Be aware that they probably will wait to be called on for their expertise, rather than volunteering it.
18. Be grateful, in thought and word, for all the help offered to you and your B/C/C, by staff, volunteers, and the public at large.