



# GOVERNING BODY MANUAL



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**Adopted by the Governing Body on August 22, 2023**

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This manual is designed for the Governing Body and is particularly helpful for newly-elected or appointed Commission members. It contains information about the structure of our City government and the role of the elected officials in that structure. The primary focus centers on the Commission meeting, which is where the formal role of the Commission member is exercised. Use this manual to learn how to perform your role as a member of the City's Governing Body.

Being an effective leader and member of a group of elected officials is not something which magically happens just because you are elected or appointed to office. Leadership and team skills must be learned. You will need to listen to the residents of the City and then work effectively with the rest of the Governing Body to achieve the goals for the entire City.

Good Luck!

**Remember – when you have a particular problem, chances are somebody else has already dealt with the issue.**

## So Now You're a Commissioner

By their action at the polls, the people of your community have given you a vote of confidence and expressed faith in your ability to act in their best interest. As a newly elected or appointed member of the Commission, you have a lot to learn about providing leadership and governing. But don't take yourself or the business of government so seriously that you don't enjoy it. It can and should be a fun as well as rewarding experience.

## Your First Days on the Job

At the first Commission meeting in December, newly elected officials are sworn in following the general election in November and receipt by the City Clerk of the Certificate of Canvass from the Harvey County Board of Commissioners.

New Commission members may be overwhelmed at first by all they need to learn and the amount of time involved. Others are surprised to discover there are limits on their role in making decisions and setting policy. What is clear, however, is that it is a very big job.

## Getting Oriented

First thing to do is attend the orientation sessions provided by City staff. During the sessions, the City Manager and Department Heads will brief you on core services and current projects. It is a broad overview of the functions of the City. Tours of key City facilities and services are also provided. Take this opportunity to learn all you can about the City organization, its history, operations and financing. Take time to visit with the Mayor and other Commission members to gain an insight into their perspectives and experience.

## Review Key Documents

Several days before each Commission meeting (usually Friday), you will receive an agenda packet to read prior to the meeting along with agenda documentation. You will receive information at orientation sessions that you can read later and use as reference during your time on the Commission. You will also receive other documents such as the Code of Meeting Procedure which will help you do your job. Don't be afraid to ask questions; you are not expected to know all the answers immediately. Find out about anything you need to know for a better understanding of City operations and issues facing the community. The information will come fast and furious, so don't worry about going back and getting items clarified or getting a more in-depth explanation until later.

### Keeping Some Perspective

- **Pace yourself.**

Recognize that life – and the City – is dependent on a lot of things over which we have little control. Set some priorities, recognize the need to spend time with your family, and don't burn yourself out.

- **Develop a thick skin.**

Remember that they don't dislike you, they just may not like your ideas.

### **Keeping Some Perspective...**

- **Be Yourself.**

Don't try to be someone you are not.

- **Majority Rules.**

Remember, it takes a majority of members to pass any motion. You will need to work with the other members to get things accomplished.

### **Legal Restrictions**

Keep in mind that our City's ordinances, as codified in our municipal code book, as well as other legally adopted regulations, such as the traffic code and zoning regulations, must be followed until the Governing Body takes action to amend them. If you are unsure of your responsibilities or authority in certain areas, seek clarification from the City Manager or City Attorney.

### **Value and Respect Your Staff**

Recognize that the City has an experienced and professional staff and that these individuals are a valuable resource – treat them with respect and don't take them for granted.

Much of the staff have served the community for many years and have a valuable historical perspective which can help fill in the gaps for a new Commission member.

## **Public and Private Sector Differences**

A word of caution...You may have run for office with the pledge to “run the City like a business.” While there are similarities, there are some important differences between the public and private sectors that will become apparent as you get used to your new role. Here are just a few of those differences:

- ☐ **Most of your work will be done in the public eye.** Consequently, things move more slowly and take more time. The majority of deliberations of the Governing Body are done in public meetings, and most records are available to the public.
- ☐ **The City is not a “for profit” organization.** Taxes are levied in an amount adequate to provide for the needs of the community, not to make a profit. Even enterprise funds, which are run like a business, only charge for their services so they can meet the current and future needs of the City.
- ☐ **You can operate the City in a “business like” manner, but not like a business.** Not all normal business principles apply to a municipality. We are governed by many state and federal laws which businesses are not required to follow.
- ☐ **City projects and contracting often must go through a public bidding or proposal process.** This takes time and sometimes costs more. The benefits are enhanced trust in the ethics of city officials and cost-savings in the long run.

## **General Information**

- **Pay.** City Commission members receive a stipend of \$175/month for their service. Because the Mayor's position includes more duties than the Commission, a stipend of \$225/month is provided. Stipends may also be declined.

# Practical Advice

*Some pointers to help you be successful*

## Words of Wisdom...

- ☐ **Listen.** Listen to everyone until your ears fall off. Soak it up. After six months in office, you will round out the picture of the complexities of City government and your role.
- ☐ **Read.** Considerable time goes into staff reports provided to you. They contain critical information you will need when considering an issue. If you need additional information, ask for it early enough so that it can be shared with the rest of the Commission.
- ☐ **Take notes** to help you keep on track.
- ☐ **Maintain documents** that you will need to refer to in the future. It will help you review items previously covered and save valuable time.
- ☐ **Don't be afraid to say, "I don't know."**
- ☐ **Don't make promises you can't deliver!** Policy decisions are made by the Commission as a whole, not individual members; administrative decisions are the purview of the City Manager.
- ☐ **Gear your mind to process** a tremendous amount of seemingly conflicting information.
- ☐ **Don't enter office with an unmovable set agenda.** Learn as much as you can before taking on a major program or effort. Don't be strangled by campaign promises that were made without sufficient information.
- ☐ **If you come on board as a big critic** of the "way things have been done," you may be surprised to find how hard the job really is. You'll soon gain a better appreciation for those who came before you.
- ☐ **Don't waste valuable meeting time** with questions or issues that could have been handled beforehand by a phone call or an email to the City Manager.
- ☐ **The job can be very complex** – try to stay focused on the big issues. Don't get mired in the minutiae.

## Learn from Others...

- ☐ **Ask for help when you need it.** Don't be afraid to ask the City Manager, the Mayor or other Commission members.
- ☐ **Network with your peers.** Meet with other elected officials from neighboring communities. They can provide support and new ideas. Get involved in the Harvey County Commission of Government, the Regional Economic Area Partnership (REAP), or the League of Kansas Municipalities.
- ☐ **Find an experienced mentor** on the Commission. Ask for advice when you need help. You'll get empathy and a clearer vision from someone who has been there.
- ☐ **Ask opinions and listen.** Spend time with those individuals who have different opinions from yours. Listen, don't argue the points, then rethink your position.

## Form of Government in Newton

Newton operates under the Commission-Manager form of government, a system that combines strong political leadership of elected officials with strong managerial experience of a professional City Manager. The Governing Body's role is to establish city policies and priorities. Commission members and the Mayor are leaders and policy makers elected to represent the City as a whole by concentrating on policy issues that are responsive to resident needs and wishes. The City Commission appoints a City Manager to execute the implementation of those policies. The City Manager oversees the administration and operations of the organization, ensuring that the entire City is being served.

## Home Rule

All cities in Kansas have *home rule* powers, the ability to govern themselves without direct involvement from the state. Home rule powers are conferred directly by the Kansas Constitution on all classes of cities. Cities exercise their home rule powers through passage of an ordinary ordinance or a charter ordinance.

Home rule power is not absolute. Cities must comply with state laws that apply uniformly to all cities and must conform to applicable federal laws and to the U.S. Constitution and the Kansas Constitution

## City Classification

Cities in Kansas are designated by class based on the size of their population. In general, there are no advantages or disadvantages to being one classification versus another. Newton is a City of the First Class. The official 2023 population estimate is 18,601. City classification is an historical legacy of the state legislature pre-dating Home Rule authority, although it is still a general reference tool for City size.

## Additional Related Information

Additional information can be found in Chapter 1 of the *Governing Body Handbook*, published by the League of Kansas Municipalities, a copy of which is available at City Hall.



The principal job of the City Commission is to establish the general policies under which the City operates. The Commission performs this function by:

- Enacting ordinances, resolutions and policies;
- Establishing City fees and utility rates;
- Approving the appointment of the City Manager, City Attorney, members of various boards and commissions, and vacant Commission seats;
- Reviewing and approving the annual budget, setting the tax rate and approving the financing of City operations; and
- Authorizing contracts to be executed on behalf of the City.

It is not the role of the Commission to administer daily City affairs. The Commission sets policy, and the City Manager actually sees that the policies are implemented.

The City Commission gives direction to the City Manager as a body in votes made in public meetings.

City Commission members are elected to look after the interests of the entire City. Your effectiveness depends on you providing input as a representative of the citizens, while thinking and voting for the needs of the whole community.

Commission members must work together to provide policy decisions that benefit the community as a whole and provide quality service to all of the City's residents. Once the Commission makes a decision, it becomes the entire Commission's decision. If you are asked about the issue and do not wish to defend it, consider explaining why the Commission made the decision it did.

### **Adopting Policy**

The Commission does not make policy in a vacuum. The Commission relies on input and ideas from many sources, including staff, advisory boards, residents, groups and others. It is the Commission's responsibility to consider the merits of each idea and then approve, modify or reject it in a public meeting. In doing so, Commission members analyze community needs, program alternatives and available resources. The decision often takes the form of an ordinance or resolution, although it may be in the form of a simple motion.

See Appendix C for more information on advisory boards.

## **Responding to Resident Complaints**

Residents often contact a Commissioner when they have a problem. You may also be approached by a resident, colleague, or even a friend about City operations, issues or service problems. Many times they approach you because they aren't aware that contacting the City Manager or City staff directly is appropriate. Help them understand this by acknowledging and redirecting them. You may say: "Yes, I can see that upset you. I apologize you had that experience. Have you shared this with the City Manager?" or "I don't have an answer for you right now, but let me look into it and get back with you."

If you personally take on the resident's request, contact the City Manager who will direct the request to the appropriate department or staff person for resolution. Keep in mind that neither you nor the Governing Body has the authority to direct staff to take any action.

## **So, Who Actually Manages City Operations and Staff?**

It is not the role of the Governing Body or any of its members to administer City affairs. The Governing Body sets policy. The City Manager sees that policies are implemented. It is not the role of a Commissioner to supervise City employees on the job or become involved in day-to-day administration of City affairs. Contact with staff should be through the City Manager except for general questions.

## **Relationship with the City Attorney**

The City Attorney's job is to provide legal advice and counsel to the City, which includes advising the entire Governing Body, staff, and boards and commissions. If you have been contacted by someone to appear as a witness in your capacity as a Commissioner or been served a legal notice in your capacity as a Commissioner, immediately contact the City Attorney.

If there is a legal issue that you need an immediate response to, it is better to err on the safe side and call the attorney.

## **Personnel Management**

The Governing Body approves the City's compensation plan. It also hires the City Manager and City Attorney and approves their contract. All other personnel actions, unless specifically defined in the personnel policy, are the duty and responsibility of the City Manager, who is responsible for the hiring, discipline, promotion, demotion and firing of all City employees.

The City hires the Municipal Judge, although due to the independent nature of the judicial branch of government, little contact usually occurs with the Governing Body. In no circumstance should a Commission member attempt to influence a decision of the judge in a case. Policy direction for the judge is often best vetted through the City Manager.

### ***Questions & Answers***

#### **Q. An employee comes to me with a gripe or problem, what should I do?**

**A.** Inquire if the employee has talked with their supervisor or the Human Resources Director. If not, encourage they start with them. Also, remind them that the City Manager has an open door policy for all employees..

#### **Q. Is the City Manager required to inform the Commission prior to disciplining or terminating an employee?**

**A.** No. However, if a particular termination may prove controversial, the manager will likely inform you.

#### **Q. Can we talk about personnel issues during a Commission meeting?**

**A.** Not if they are about an individual - this discussion should be done in executive session. You should only discuss general personnel policy issues in open session.

## Practical Advice

*Some pointers to help you be successful*

### Leadership...

- ☐ **Lead by example.** Be honest, consistent, and flexible. Don't play games.
- ☐ **Use common sense.**
- ☐ **Don't be stampeded into action** by the strong demands of special interest groups or individuals. Your job is to find the long-term public interest of the entire community.
- ☐ **Be clear on what you stand for.**
- ☐ **Be open to others' ideas.** Don't assume that only you know the best way to accomplish things. Every issue will benefit from additional discussion. No one has a monopoly on good ideas.
- ☐ **Sometimes we underestimate the potential impact of an elected official's leadership.** Use the dignity of your office to help the community get past contentious issues.
- ☐ **There is a tremendous amount of discomfort in making public decisions.** Sometimes the decisions feel like the end of the earth. It's easy to fear the political consequences. But it is important to look a little more long-term in perspective, weigh everything and reach good decisions.
- ☐ **You won't be able to satisfy all of the people,** and you have to know that. Listen fairly...listen thoughtfully...and then do what you feel is right.

### Working with Staff...

- ☐ **Get to know staff and what they do.**
- ☐ **Say "Thank you!"** Let folks know how much you appreciate them and give credit where credit is due.
- ☐ **Treat staff with respect.** They are a very valuable asset, and they have committed themselves to making the community a better place.
- ☐ **Be consistent.** Treat everyone equitably and keep relationships professional.
- ☐ **Don't surprise staff at a meeting.** If you have a question or issue, let them know in enough time so they can provide the answer to you.

## **Roles of the Mayor**

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The Mayor presides over City Commission meetings, serves as spokesperson for the community, nominates persons to serve on boards and committees, and then appoints them after Commission approval. The Mayor also makes proclamations and serves as a key representative in intergovernmental relations and regional partnerships. The Mayor has signature authority only when so designated by the Commission. Staff prepares documents for signature by the Mayor at City Hall.

### **Selecting a Mayor**

At its regular meeting on the second Tuesday of December of each year, the Governing Body shall elect one Commissioner to serve as Chairperson. The Chairperson shall have the title of Mayor. The Mayor shall preside at all meetings of the Governing Body, shall retain the authority to vote and to take all actions accorded Commissioners, and shall execute all ordinances, agreements, and other documents requiring the signature of the Mayor. The Mayor shall have no administrative duties. Traditionally the Commissioner selected as Mayor shall serve in that capacity for a period of one year, commencing on the second Tuesday of when he or she is elected Mayor, and expiring on the second Tuesday of December of the succeeding year. The Commissioner who currently serves as the Vice Mayor would be selected as the Mayor for the upcoming year.

### **Selecting a Vice-Mayor**

At its regular meeting on the second Tuesday of December of each year, the Governing Body shall elect one Commissioner to serve as Vice-Chairperson. The Vice-Chairperson shall have the title of Vice-Mayor. In the absence of the Mayor from any meeting, the Vice-Mayor shall preside. If the Mayor is absent from the City, or if the Mayor is incapacitated or otherwise unable to perform the duties of Mayor, then the Vice-Mayor shall be accorded the title of Acting Mayor and shall perform and exercise the duties of Mayor. Traditionally, the Commissioner selected as Vice-Mayor shall serve in that capacity for a period of one year, commencing on the second Tuesday of December, when he or she is elected Vice-Mayor, and expiring on the second Tuesday of December of the succeeding year. The Commissioner who receives the highest number of votes during the most recent election will be selected as Vice Mayor for the ensuing year.

# Role of the City Manager 6

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The Governing Body hires the City Manager to serve the community and brings the benefits of education, training and experience in leading and managing local government organizations, projects and programs.

## The City Manager:

- supervises all of the City's departments and employees to ensure laws and City ordinances are enforced and policies implemented;
- serves as the City Commission's chief advisor and carries out the City Commission's policies;
- recruits, hires, disciplines, and fires employees;
- prepares a budget for the City Commission's consideration;
- fulfills a leadership role in the community as a means of advancing the interests of the City.
- works in partnership with elected officials to develop sound approaches to community challenges;
- helps the governing body develop a long-term vision for the community that provides a framework for policy development and goal setting;
- promotes ethical government through commitment to a set of ethical standards beyond those required by law; and
- encourages inclusion and builds consensus among diverse interests (including elected officials, the business community, and residents).

## The City Manager...

- Hires, disciplines, and fires employees.
- Carries out the day-to-day activities of the City through the staff.
- Is the senior staff advisor to the Governing Body.

Commission members and residents count on the City Manager to provide complete and objective information, pros and cons of alternatives and long-term consequences of decisions and policies. Similarly, the City Manager relies on City staff to provide professional and well-reasoned information and recommendations, and the highest level of public service possible.

## Actions of the Governing Body 7

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The Governing Body adopts policies for the City and itself to provide for safe, equitable and efficient City operations. It also adopts policies to regulate and administer its own conduct and operations. Policies are adopted by the Governing Body in several different forms. These are:

- **Ordinance.** An ordinance is a local law of the City, prescribing rules of conduct. It is used for a variety of purposes, including administrative action, such as an action to control the conduct of the public. Ordinances are also used to amend the City's zoning and subdivision regulations, which are also laws of the City. Passage of an ordinance requires three affirmative votes by the City Commission. Even if a position is vacant due to death or resignation, a full majority of the full body is still required.
- **Charter Ordinance.** Kansas law allows cities to "charter out of" or exempt themselves from some state statutes and establish their own regulations. Passage of a charter ordinance requires four affirmative votes of the Governing Body.
- **Resolution.** This is a less formal action than an ordinance. Passage of a resolution requires a simple majority vote of City Commission members present and voting.
- **City Commission Policies.** A policy is an internal or administrative action to address issues not covered by a City ordinance, resolution, or the municipal code book and establishes rules and requirements not listed in any of those other publications. Passage of a policy requires a simple majority vote of City Commission members present and voting.

When a vacancy on the City Commission occurs, the unexpired term shall be filled by appointment by majority vote of the Commission within 60 days. A deadline will be set for the submission of nominations by Commissioners and other interested parties by a letter of interest. Following the deadline, the selection process calls for a series of ballots to be cast by Commissioners to narrow the field and determine at what point a candidate has support. Written ballots are to be used and read publicly. At any time in the balloting process, any Commissioner can make a motion for the election of a candidate.

# The Commission Meeting

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The Commission meeting is the place to get the critical job of decision-making accomplished. A smoothly managed and productive Commission meeting does not necessarily guarantee good results, but it certainly helps.

The Mayor's role is to chair the meeting. As the moderator, the Mayor helps facilitate the meeting while allowing full Commission participation, maintains order and decorum, and sees that all motions are properly dealt with as they arise.

## **Schedule**

The City Commission meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 7:00 p.m., although some meeting dates are changed due to conflicts with holidays or other special events. Additional meetings include workshops on important or complex matters, or special meetings needed to take action on time-sensitive items. Most regular meetings take place in the Commission Room located in City Hall at 201 East 6<sup>th</sup> Street.

The purpose of City Commission meetings is to perform City business. Decisions and discussion on agenda items tend to occur best when Commission members are fresh and prepared for discussion.

## **The Agenda**

The agenda is developed by the City Manager and disseminated to the Governing Body and the public before the meeting. The staff prepares an agenda packet of information that is normally posted online at [www.newtonkansas.com](http://www.newtonkansas.com) or if requested, on paper delivered to your residence or other designated location on the Friday afternoon prior to the meeting.

Items to be placed on the agenda should be given to the City Clerk by 9:00 a.m. on the first and third Tuesday of each month.

The agenda packet contains the agenda and supporting material for each agenda item. Every item is accompanied by a staff report which gives most if not all of the information in advance of the staff presentation at the meeting. If an item on the agenda is a large size or volume, such as a contract or plat document, the necessary information will be summarized in the agenda packet, and the actual document will be available for review in the City Clerk's office and at the meeting itself. Oftentimes, large documents are posted on the agenda webpage.

City Commission members can change the order of business or add/delete items the night of the meeting by majority vote from the Commission.



## The Meeting

Even the best-planned Commission meetings can deteriorate into endurance contests. These are not always the most productive meetings – exhausted people don't always make the best decisions. In order to have a smooth running meeting, the following is the order of business for the Commission meeting and the procedures that will be followed.

### 1. Call to Order

### 2. Flag Salute: The Mayor leads the flag salute.

### 3. Consent Agenda. The consent agenda is a tool used to streamline Commission meetings. Routine, non-controversial items are listed collectively on the agenda and are passed with a single motion and vote.

- ☐ Items may be taken off the consent agenda and placed on the regular agenda for discussion.
- ☐ The remainder of the consent agenda can be voted on, omitting the items removed for discussion.
- ☐ The following items will generally be placed on the Consent Agenda:
  - Approval of the minutes from the prior meeting.
  - Mayoral appointments to boards and commissions
  - Routine annual actions like codification of ordinances, declaration of surplus property, updating of city boundaries, and resolutions for infrastructure improvements paid by property owners for which petitions are already approved by the Commission and for which no city funding is required.
- ☐ The following items shall not be Consent Agenda items: Bond financing resolutions or ordinances, charter ordinances, items requiring special consideration or discussion and public hearings.

### 4. Regular Agenda Items: This consists of all other business such as proclamations and presentations.

### 5. Citizen's Forum: This is to allow the public to comment on any subject relevant to City government. If the issue is on the meeting agenda, the Mayor may ask for comments to be made when the item is called rather than during Citizen's Forum. People making comments will be asked to state their name and address. If they have written material to share with the Commission, they may pass it to the City Clerk for distribution. They must also provide a copy to the City Clerk. No action should be taken during Citizens Forum.

### 6. Adjournment

## Executive Sessions

Closed sessions are authorized by the Kansas Open Meetings Act (KOMA) after a formal motion has been made, seconded and carried to recess into executive session. Executive sessions may occur at any point during the meeting. No formal or binding action of the City Commission can be taken during an executive session. The most common topics that can be discussed in executive session are:

- Personnel matters of non-elected personnel;
- Consultation with attorney on matters deemed to be of attorney-client privilege;
- Data relating to financial affairs or trade secrets of second parties;
- Preliminary discussions about acquisition of real estate; or
- Discussions concerning security matters.

The content and discourse of executive sessions are not to be told to anyone nor discussed outside the session, even with other Commission members. Any official who knowingly violates KOMA is liable for payment of a civil penalty of up to \$500 if the action is brought by the Kansas Attorney General or the Harvey County District Attorney. For more detailed information on KOMA, refer to the League's *Governing Body Handbook*.

<b>Meeting Guidelines</b>	
<ul style="list-style-type: none"> <li>▶ Meetings start on time.</li> <li>▶ Meetings end at a reasonable hour.</li> <li>▶ Stick to the agenda.</li> <li>▶ Stay focused and act efficiently – be respectful of other people's time.</li> <li>▶ Don't attempt to engineer "how to" details at the meeting.</li> <li>▶ Stay on topic, don't jump to other items or away from the topic at hand.</li> <li>▶ Members do their homework.</li> </ul>	<ul style="list-style-type: none"> <li>▶ All members participate.</li> <li>▶ Members do not engage in side conversations during the meeting.</li> <li>▶ Members actively listen to each other, to speakers, and to presenters.</li> <li>▶ Don't "hog" the conversation; let other Commission members state their thoughts.</li> <li>▶ Unnecessary meetings are not called.</li> <li>▶ Packed audiences do not unduly sway the Commission.</li> </ul>

## **Quorum**

A majority of Commission members must be present at the meeting to constitute a quorum. This means three members of the five member Commission must be present. Per City Code, less than a quorum can reschedule a meeting.

## **Abstentions**

Commission members are discouraged from abstaining from voting on any issue before the Commission, unless a conflict of interest exists. When a conflict of interest exists, the member should explain they have a conflict, excuse themselves before discussion and voting.

For those matters where an abstention is used, such a vote shall be counted as for the prevailing side.

## Meeting Survival Tips...

- **Prepare in advance** of meetings and be familiar with the issues on the agenda.
- **Be careful with executive sessions.** Only use executive sessions for issues that are specifically allowed. Ask the City Attorney if you have questions on whether a topic would be allowed.
- **Be courteous to each other and members of the public;** let them know you appreciate their comments.
- **Don't spring surprises on fellow Commission members or City staff,** especially at public meetings. If a matter is worth discussing, it is worth putting on the agenda. Surprises may get you publicity, but they may embarrass others and tend to erode the "team" approach to governance.
- **Stay focused & engaged.** Texting and social media is to be avoided as there is a potential of open meetings violations.

# Public Participation at Commission Meetings 9

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The public evaluates the performance of its elected officials to a great extent by what happens at meetings. Many residents form their total opinions of the City government on the basis of having attended just one Commission meeting. This is the time to impress the public favorably and show them that the Commission is capable of doing its job.

## **Public Comments at Commission Meetings**

The “Citizen’s Forum” period is a time slot set aside on the agenda for people to address the Commission on any subject relevant to the City government, its policies, operations, or services. It is not to be confused with a public hearing, which is a formal proceeding conducted for the purpose of discussing a specific topic, such as the City budget. Anyone wishing to address the Governing Body must speak from the podium (unless accommodations are needed due to disabilities) and introduce themselves.

While providing an opportunity to speak on any topic of concern, the Mayor is responsible for maintaining order and decorum. In many cases, the speaker will be directed to meet with staff to resolve the issue or get questions answered. If the speaker has documents they wish to share with the Governing Body that support their comments, they must also provide a copy to the City Clerk.

Other than asking a question to clarify a statement, members should refrain from entering into a debate with the speaker. This time on the agenda is not intended for a discussion between the Governing Body and the speaker and should not be used for that purpose. Commission members are expected to be polite to people appearing before them, but there is no requirement that they subject themselves to intimidation by rude speakers.

## **Comments on Agenda Items during the Meeting**

The City Commission meeting is designed for the Governing Body to discuss and make decisions on the various issues on the agenda. Other than asking for clarification, discussion should be limited to members of the Governing Body. If recognized by the Mayor, they may be allowed to speak at the podium during the discussion if the Mayor believes their comments are germane to the topic and necessary or helpful for the Governing Body to continue its discussion or make a decision.

## **Public Hearings**

When an item requires a public hearing, by statute, the Mayor will open the public hearing and facilitate the hearing. Public comments can be made in the same manner as the Citizen’s Forum agenda item. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Commission to keep the meeting moving. Public hearings are held to gather data and opinions from those affected to facilitate decision making.

Public hearings also afford the public due process prior to key decisions by the Commission (and boards and commissions). Due process requires that public hearings be fair, open, and impartial. Ex parte communications are those received outside of the formal public hearing. To protect the due process rights of all, it is important that ex parte communications be disclosed and made a part of the record at the public hearing. Prejudgment of an issue is a denial of due process. It is essential that members of the Governing Body retain an open mind and a willingness to listen to all the evidence and make their ultimate decision as a result of the public hearing even if they have received information prior to the public hearing.

### **How to Deal with Criticism...**

- **At some point, the Commission's action must be defended.** Try to help people understand the factors that influenced the Commission or discuss the parameters that influence an impending decision which is under attack.
- **When attacked, think carefully before responding.** Know your facts. Be truthful. Credibility is your most important asset in dealing with your critics.
- **Don't belittle small but vocal sources of opposition.** Don't label people.
- **Don't argue.** Maintain decorum and don't get drawn into an argument.
- **Remember that groups fostering a narrow self-interest will self-destruct** through an inability to gain mainstream support. Don't overreact.
- **Keep in mind that anger is directed at your role,** not at you as an individual. Last but not least, while remaining respectful, keep a sense of humor.

## Meeting Savvy

Consider these pieces of advice when preparing for a meeting:

- **Read the material you have been given for the meeting.** This will give you a good understanding of the issues and allow you to intelligently consider and discuss the issue.
- **Don't try to please everyone.** This simply does not work and makes you look weak and indecisive.
- **Don't waste quality meeting time dealing with routine questions or complaints** that can be resolved by staff outside the meeting.
- **Alert the City Manager before the meeting if you intend to bring up an important issue.** This simple courtesy will help staff prepare background information and avoid embarrassment.
- **If you disagree with a significant statement or proposal made by a colleague or staff member at a meeting, express the disagreement, in a respectful manner.** Silence may be interpreted by staff as agreement, and they may take action based on that assumption.
- **Practice civility and decorum in discussion and debate.** Avoid personal comments that could offend other Commission members, the Mayor, staff or the audience.

## How to Aid Discussion by Asking the Right Questions

Questions are one of the most important tools you can use to obtain information, focus the group and facilitate decision making. Here are some samples:

### Asking of Colleagues

- What do you think about this item?
- What do you think the proposed action will accomplish?
- Would you please elaborate on your position?
- What results are we looking for?
- How does this fit into our priorities?

**Asking Staff**

- What other alternatives did you consider?
- What are we trying to accomplish with this?
- What are the benefits and drawbacks?
- Will you please explain the process?

**Asking of the Public**

- How will this proposal affect you?
- What are your concerns?
- What other ways can you suggest for solving the problem?

# Preventing and Resolving Conflicts 11

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*“Always do right. This will gratify some people and astonish the rest.”*

-- Mark Twain

It is essential for Commission members to understand their role and how it relates to the roles of the City Manager, staff and other Commission members. Many conflicts in City governments are the result of confusion as to these roles and the consequent overstepping of the boundaries between the respective roles.

## **Preventing and Resolving Conflicts with other Commission Members**

Any conflicts or disagreements with other Commission members should be done one-on-one, in private, keeping in mind requirements of the Kansas Open Meetings Act. If it arises during a meeting and cannot wait, then ask for additional clarification or reasoning and center your discussion on the issue, not on the person. Avoid personal comments that could offend other Commission members and remember respectful behavior even in private.

## **Commission Member Communication with Staff**

Requests for information should, in almost all cases, go directly to the Department Head. If you are in doubt about what staff contact is appropriate, ask the City Manager. Consider the impact on staff of your requests for information. Do not solicit political support from staff. Also remember as an individual Commission member, you do not have the authority to direct the City Manager or any employee to do anything. All direction comes from you acting in concert with the rest of the Governing Body.



## Staff Communication with Commission Members

Staff should not contact Commission members unless they are responding to a simple request for information, providing pertinent information, or have been otherwise directed to do so by the City Manager. If contacted by staff for any other reason, tell them they need to contact their Department Head or the City Manager. Do not get involved in personnel actions nor allow staff to think they can directly influence you somehow.

## Roles of the City Manager and the Governing Body

In order to alleviate potential conflicts, it is important to understand the role of the Governing Body and the City Manager in the functions of the City. The following table describes most areas of possible conflict or confusion and lays out the role and responsibility for each party.

### Policy Making and Implementation

City Manager	Governing Body
Keep Commission informed	Listen to residents – keep track of their concerns and wishes
Propose policy	Discuss, develop and adopt City policies
Implement policy adopted by the Governing Body	Hold City Manager accountable for policy implementation
Report back regarding policy implementation, effectiveness and possible improvements	

### Personnel Matters

City Manager	Governing Body
Hire, supervise, discipline, promote, demote and fire all City employees	

### Budget and Strategic Planning

City Manager	Governing Body
Work with staff to develop preliminary budget and departmental strategic plans	Adopt city-wide strategic plan which provides framework for budget
Present budget to Governing Body and facilitate deliberation process	Discuss and adjust proposed budget to meet established goals and priorities; adopt budget, set mill levy, utility rates and other fees
Implement budget adopted by Governing Body, provide regular financial reports and present alternatives when City is faced with budget issues	Review financial reports and annual audit; make decisions to amend budget when necessary

### **Meetings of the Governing Body**

<b>City Manager</b>	<b>Governing Body</b>
Prepare agenda; review the agenda highlights with Governing Body members in advance of the meeting; attend meetings; report to Governing Body on matters involving City administration; propose policy initiatives or changes	Deliberate on all agenda items; take action on all agenda items; approve policy initiatives and changes

### **City Expenditures & Contracts**

<b>City Manager</b>	<b>Governing Body</b>
Sign some contracts; ensure supervision and enforcement of contracts; recommend a purchasing policy and, once adopted, implement the policy	Authorize execution of contracts;

### **Relationships with Other Entities**

<b>City Manager</b>	<b>Governing Body</b>
Represent the City and speak on its behalf when coordinating and working with other governmental entities	Members may serve as City representative on certain intergovernmental bodies or speak on behalf of the City when designated or as required

## Checklist for Monitoring Conduct

- ☐ Will my decision/statement/action violate the trust, rights or good will of others?
- ☐ What are the motives and spirit behind my actions?
- ☐ If I have to justify my conduct in public tomorrow, will I do so with pride?
- ☐ How would my conduct be evaluated by people whose integrity and character I respect?
- ☐ Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Is it just and morally right?
- ☐ Does my conduct give others a reason to trust me?
- ☐ Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear where I stand?
- ☐ Can I take legitimate pride in the way I conduct myself and the example I set?
- ☐ Do I listen and try to understand the views of others?
- ☐ Do I question different points of view in a constructive manner?
- ☐ Do I work to resolve differences and come to mutual agreement?
- ☐ Do I support others and show respect for their ideas?
- ☐ Will my conduct cause public embarrassment to someone else?

## Practical Advice

*"The most important single ingredient in the formula of success is knowing how to get along with people."*

Franklin D. Roosevelt

- **Keep disagreements from getting personal.** Discussion should be about the policy and not personalities.
- **Always be courteous to other Commission members,** especially new ones who may not have a full grasp of the issue.
- **Address conflict head on.** Putting an item off to another day does not solve the problem.
- **Don't be overly swayed by a few people who called you or are in the audience.** Remember, you were elected to represent everyone not just the few that show up for a meeting. Do what's right for the entire community!
- **Once a decision is made publicly,** support the decision of the body, regardless of how you voted.
- **The secret to successful politics is compromise!**

Part of being a public official is being subject to public scrutiny. The public expects you to behave according to a high level of ethical standards.

## State Ethics Laws

Kansas state law contains certain requirements to achieve a fair balance between public and private interests. The law requires members of the Governing Body to file a Statement of Substantial Interest (SSI) to disclose to the public the ownership by the official and their spouse of certain personal financial interests. **Every elected official should verify their SSI is on file in the Harvey County Election Office.** Elected officials must file an updated SSI between April 15 and 30 if any changes occurred the past year. Contact the City Manager, City Attorney or City Clerk if you have questions.

## Code of Ethics

Public officials have the duty of serving the public with undivided loyalty, uninfluenced by any private interests or motives. Care must be taken not to violate this duty of trust, either in fact or appearance.

## Conflict of Interest

A practical definition of when you have a conflict of interest is when your personal interests or life intersect with your official position. It may be an appearance issue rather than an actual conflict of interest according to the law. Either way, you should recognize the situation for what it is and develop your strategy to address it in an ethical way.

Generally, a conflict of interest that would require abstention from the matter would occur in two situations. The first is when the City contracts with a private entity. A member of the governing body may not participate in making a contract with an entity in which he or she has a substantial interest (financial stake, including employment, or a leadership role such as serving on a board of directors).

The second occurs when the governing body takes up a matter in which a member has an interest that is different in kind or degree from that of others affected by the decision. For example, when the governing body discusses a policy of general applicability to land development, a governing

body member involved in real estate or land development does not have a conflict unless the impact of the policy on that member would be different from the impact on others having similar business interests.

## **Keeping Out of Trouble**

The following are some common areas where you can get in trouble by violating state law or City code:

- Violating the Kansas Open Meetings Act (KOMA). Violation occurs when three or more Governing Body members meet in person, by telephone, via email, using social media, or by any other means of interactive communication for the purpose of discussing the business or affairs of the public body or agency.
- Conducting a “serial meeting” has been a particular concern under KOMA. A serial meeting involves successive interactive communications collectively involving a majority of the membership, such as by email or using social media, sharing a common topic of discussion concerning public business and intended by any participant to reach agreement on a matter that would require binding action.
- Not disclosing a conflict of interest during Governing Body deliberation, nor refraining from participating in discussion and/or voting on something in which you have a conflict of interest.
- Disclosing information discussed in executive session.
- Not disclosing ex parte communications when a quasi-judicial matter is before the Governing Body.
- Using your office for personal gain or profit.
- Confidentiality means one or both parties has a duty not to share that information.

***If you’re not sure what to do, ask: Is it legal? Is it ethical? Is it the right thing to do?***

## Media Relations

The media is the conduit through which most City business and goings-on reach the public. As such, the news media and social media activity highly influence how the public perceives you and your actions. Elected officials who understand the important role of the media in building public trust and who take a proactive approach to local reporters can go a long way to build positive relationships. These relationships, in turn, are more likely to result in fair, accurate coverage.

## Everyone Has a Role in Media Relations

All media inquiries and requests should go through the City's Communications Director or designee. City staff generally handle interviews related to procedures of City departments, projects and construction, etc., but Commissioners are sometimes called on for interviews related to broad City policy or City Commission action.

Any Commissioner is free to speak with the media at any time. Typically, the Mayor is given the first opportunity to speak on behalf of the Commission, followed by the Vice Mayor. Nonetheless, every elected official should be prepared to be approached by the media and be asked about questions surfacing on social media sites.

Staff will typically do the legwork in fielding calls from the media, providing them information, sending out news releases, and organizing media events such as interviews. You will receive an email on all news releases and be contacted by the communications staff when it's important for you to give an interview.

## Tips to a Great Interview:

- Tell the truth. A lie or obfuscation can turn a 10-minute interview into a three-part investigative series.
- If you don't know the answer, don't be afraid to say so. Never speculate or guess.
- Nothing is "off the record." Never say anything you wouldn't want printed or broadcasted.
- Always assume that a microphone is live.
- Don't use, "No comment." Say something, even if it's just an explanation of why you can't comment: "I'm sorry, but I cannot comment on pending legal matters." Then follow with a comment you DO want to make.
- Listen carefully to the reporter's questions. Pause...think...ask for more time if you need it.
- Avoid the urge to fill the silence. Answer the question and then stop. Rambling on may cause you to say things you didn't intend to say.
- Don't repeat a negative question in your answer. Reframe the issue accurately.
- Get to know your reporters. Read their stories regularly. If you see a particularly good

- article, give the reporter a sincere and timely compliment.
- Be courteous and don't play favorites.
- If giving a telephone interview, go to a quiet room without distractions. When a question is asked, take a moment to collect your thoughts before responding.
- During times of crisis, residents need to hear a calm, reassuring and well-prepared message. Beyond the facts, they want to know that you care.

## Planning Ahead

An interview with the reporter will go better with some simple advanced planning. Ask what the topic and angle of the story is to be. You don't have to give an interview right away; you can ask for time to prepare.

- **Soundbites.** Develop a short list of your main talking points, and put them into "soundbites" of 7 to 12 seconds each and repeat these key points several times during the interview. This will help the reporter hone in on the message and more easily format the interview for publication.
- **Tough questions.** Be prepared for difficult questions. Think, "If I were the reporter, what would I ask?" Then, instead of responding to a negative question, be prepared to turn the question to make the point you wish.
- **Body language.** Be aware of how body language can send a different message from the one intended. Practice appearing open and relaxed whenever you speak with a reporter. Look at yourself in the mirror. Are you rocking (on your feet or in a chair!), fiddling with jewelry or jingling coins in your pocket? All are distracting and make you appear unprofessional. Crossed arms may be interpreted as a defensive sign. Instead, assume the "soldier stance" with arms at your sides and feet slightly apart; relax and gesture naturally.
- **What Not To Wear.** When appearing on camera, put thought into your wardrobe. Dress conservatively, no stripes or busy designs. Do not wear white next to the skin; it washes you out. Wear colors that complement your skin tone, hair color, and personality. Solid-colored, saturated blues and greens are best.
- **Practice.** Practicing in advance can put you at ease. The Communications Director, City Manager, and department heads are available to provide talking points, help you think through what questions you might receive, and practice your answers.

## Social Media

Government officials are increasingly using social media to share information with the public, and to allow members of the public to communicate with them about matters relating to government. It's an easy and low-cost way to reach Newton residents and businesses about important community matters and to promote your service as a Commissioner. However, there are some legal considerations and best practices to keep to mind:

### Legal Issues

1. Don't block users or delete comments just because they criticize you. If you use your account as an extension of your office, the First Amendment prohibits you from blocking people from the account, suppressing or deleting their comments, or otherwise penalizing them because of their viewpoints.
2. Multiple courts have held that social media accounts used for official purposes are "public forums" within the meaning of the First Amendment. A public forum is established when the government invites members of the public to speak in a space that the government owns or controls. One rule that applies to all First Amendment forums is that the government may not stop people from speaking in them on the basis of their viewpoints.
3. If you want your social media account to remain "personal," don't use it for official purposes. You are free to maintain a personal social media account and use it to discuss your family, your golf game, or your thoughts as a citizen about world affairs. And like any other user of social media, you can delete comments and block followers from a personal account for any reason you want to.

But if you use your personal social media account to discuss City business, it effectively becomes an official account with the First Amendment restrictions that come with that. If you don't want to be bound by the First Amendment, don't use your social media account as an extension of your office. Don't use it to make announcements about Commission responsibilities or actions. Don't use it to solicit the public's views about what the City should do. Officials should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City.

4. Be careful to stay away from commenting on a pending quasi-judicial matter. In a worst-case scenario, an imprudent post could require your recusal from participating in the matter on the basis that you've revealed your non-neutrality, reinforce someone's constitutional claim, serve as a basis to attack the body's decision, or all of the above.
5. Be careful deleting even your own posts and comments. Social media posts, comments, and messages from official accounts are subject to the Kansas Open Records Act and records retention requirements.



6. Be wary of violating the Kansas Open Meetings Act. This could happen via serial posting by Commissioners – if a quorum of any public body merely comments on the same social media post, they could be creating an unannounced “meeting” on the platform. Commissioners also should avoid posting or commenting on social media during regular Commission meetings.

## **Tips for Social Media**

- First consider whether you really need to be on social media in your elected official capacity. If only 50 people follow your page, it may not be worth the hassle. And keep in mind that only a fraction of those 50 people may even be seeing your posts.
- Before posting, consider how your post might be perceived. Are you the best person to relay the information? Was your knowledge of the subject learned in executive session or a private meeting with the City Manager? If so, can you keep that information separate from information that should be shared with the public?
- Once you start engaging readers, be prepared for negative comments. Unless you won the last election with 100 percent of the vote, not everyone wants you in office. Do not argue with a reader in the comments section. Everyone has a right to his opinion.
- To respond or ignore? Think of your social media posts like a town hall meeting. The goal is to inform the public and answer questions. You will certainly want to answer someone’s legitimate questions in a timely manner, but you will have to decide if a negative comment is worth a response. You may want to respond to a negative comment if the poster either made a misstatement of the facts or an incorrect assumption. Most of the time, this is met with a positive response. On occasions when an individual just wants to argue, respond no further. Other readers will appreciate your replies, even to negative comments, because that means you are willing to listen and engage, even if you disagree. Engaging on social media can result in excessive back and forth on complex topics. Consider suggesting a phone call or meeting to explain an issue and listen to concerns.
- Be responsive to requests. If someone asks a question, you need to provide an answer, even if the answer is you don’t know or you can’t tell them because of confidentially concerns. If someone asked you a question at a town hall, you wouldn’t just ignore them, would you? People expect answers to questions in a reasonable time.
- Sometimes identifying yourself as a Commissioner will result in complaints or questions about City services being directed to you. Refer people to the appropriate City office for assistance (if you don’t know, just advise them to call City Hall at 316-284-6001) or ask the Communications Director for assistance in developing your response.
- Commissioners are strongly encouraged to consider the potential impact of social media statements prior to posting. The City strives to be courteous and professional in its operations and processes. Public comments, in any forum – including on personal and official social media accounts – that are hostile or express bias for or against any

individual or group of individuals (e.g., based on race, religion, gender, national origin, sexual orientation, or any other legally protected classification, etc.), reflect poorly on the public official, as well as the City and its residents. Further, comments suggesting such treatment can expose the City to liability and legal costs.

- Do not represent yourself as the City spokesperson. The City has an official account on Facebook, Twitter, etc. to post announcements and respond to questions.
- When you see a post to which you believe the City should contribute, contact the City Manager or Communications Director for assistance, or tag the City's official account, like so:
  - **Twitter:** "Tagging @CityofNewtonKS on your inquiry so the Administration may respond to you directly."
  - **Facebook:** "Tagging @NewtonKS on your inquiry so the Administration may respond to you directly."
  - **Instagram:** "Tagging @CityofNewtonKS on your inquiry so the Administration may respond to you directly."
- Consider using a disclaimer on your personal accounts such as "This is a personal account, and the posts on this site are my own and do not necessarily reflect the views of the City of Newton."
- Officials should refrain from using social media accounts to communicate with City employees about City-related matters as this may create a public record on employees' personal accounts.
- Keep your accounts secure. Social media pages are often the target of hacking and hijacking. Take proper measures to ensure security, including but not limited: enabling two-factor authentication or multi-factor authentication; not sharing access with others; and periodically changing passwords, especially after a reported breach of log-in credentials.

The budget is one of the Commission's strongest policy-making tools. Spending guidelines are a reflection of numerous policy decisions. The budget can give a new Commission member a clear view of City policy on many issues. A budget should provide: transparency, accountability, predictability and prioritization of resources.

Setting policy through the budget is a continuous, year-long process. It involves setting goals and establishing priorities. Public participation is critical to the budget process, as well as being required by law, because of the many policy decisions involved. Once a budget is adopted, Commission members monitor program progress through periodic reports from staff. If programs are not effectively implementing policy decisions, revisions can be made.

## **The Governing Body deals with three *types* of budgets in the budget approved**

- An operating budget is for delivering services like police, fire, parks, streets, community development and administration. The operating budget enables you to set policy. When most people think about their City's budget, they're referring to the operating budget. The operating budget is financed from the City's ongoing general revenue sources.
- Utility services or special proprietary facilities provided by the City are separately funded through user fees. These funds are called Enterprise Funds.
- A capital budget determines which capital improvements will be bought or built during the budget year and how they will be financed.

## **Additional Budgetary Responsibilities**

The Governing Body also establishes the mill levy for the Library, based on the request from the Library Board. The Governing Body does not control the Library's expenditure budget but does control the level of property taxes by which it is supported.

## **The Legal Document**

In Kansas, budgets must be balanced – meaning that expenditures cannot exceed revenues and reserves. Generally, it is unlawful for a governing body to spend or agree to spend a total amount in excess of each funds budget authority. Exceptions include, when authorized by vote, payments by issuing bonds, no fund warrants or by amending the budget.

## **The Budget Calendar**

The budget is a living document and can be amended or adjusted throughout the year, as

necessary. The standard timetable the City follows to prepare the next year's budget generally starts in March when the Finance Director reviews how the previous year ended and previews the budget development process at a regular meeting of the City Commission. The City Manager, Finance Director, and Assistant Finance Director meet one-on-one with each department to scrutinize their proposed budgets, adjusting them as necessary. In June, workshops are held to review the Capital Improvement Plan (CIP) and major budget issues. In July, the City Manager presents the recommended budget to the Governing Body where it may direct staff to adjust the budget as it deems necessary. A decision must be made in July to exceed the Revenue Neutral Rate set by the County Clerk. In August, public hearings are held, and the City Commission adopts the budget.

## **Fiscal Calendar**

The fiscal calendar for the City is the same as the calendar year, meaning each fiscal year begins on January 1 and ends on the following December 31.

## **Putting the Budget Together**

The following is the budget process. It is definitely a team effort involving the Governing Body, City Manager and staff.

- **Setting Goals**

The Governing Body establishes goals in several Commission meetings throughout the year when it updates its priority list. The Budget workshop is the Governing Body's opportunity to review the City's programs and its priorities and consider necessary and desired changes for the coming fiscal year. The outcome of Commission workshops and actions taken at Commission meetings provides guidance to the staff for preparing the budget.

- **Estimating Expenditures**

Departments prepare estimates based on a projection of current trends, a forecast of the effects of new programs, and an estimate of what is needed to operate and maintain their services.

- **Reviewing Estimates**

Management and Finance staff review departmental requests, taking into account policy objectives and priorities for new or expanded programs. What develops from this is a preliminary budget.

- **Estimating Revenues**

The Finance Director reviews current revenues to understand what factors may affect future revenue flows and determine the estimated level of revenues for the upcoming budget year. These revenue estimates are reviewed by the department heads and used in the preliminary budget.

- **Adopting the Budget**

The City Manager presents the budget to the Commission and the public for review and

adoption. Adoption of the budget authorizes funding specific expenditures with specific resources. As approved, the State budget forms are prepared and submitted to the State within its prescribed timelines by the Finance Director.

- **Implementing the Budget**

The City Manager implements the budget adopted by the Commission, and the Finance Director provides the Commission with periodic reports showing accrued revenues and expenditures and a comparison of budgeted revenues and expenditures.

- **Annual Audit**

The City has an audit conducted by an independent auditor every year, and a Comprehensive Annual Financial Report is prepared by Finance staff. The audit report contains information on cash balances, revenues, and expenditures. If there are any irregularities in budgeting and expenditure practices, they are reported. The Governing Body is provided a copy of the audit report, and the company which conducts the audit can also make a verbal report to the Governing Body.

## **An Inside Look**

Now that you know how the budget works, it is important to understand what the budget is and what it is not.

### **The budget:**

- Expresses your community's priorities.
- Works as a plan to identify resources and expenditure flows.
- Operates an annual work program by guiding program management and evaluating existing expenditures.
- Responds to change. The budget process is dynamic – it has to be flexible to meet public needs, keep up with technology and adjust to financial circumstances.

### **But the budget can't do it all. It will not:**

- Be precisely accurate. The budget relies on estimates based on forecasts.
- Create efficiency. The budget is a resource allocation plan. It can't overcome obstacles in management or staff structure.
- Establish public policy. Public policy is established through careful discussion before the budget is prepared.
- Make everyone happy. There will be winners and losers!

## **Budget Do's and Don'ts**

### **Do:**

- Evaluate materials and data carefully before you speak.
- Show your appreciation for staff. Respect their experience.
- Explore creative ways to meet your City's needs.

**Don't:**

- Expect to be an instant expert.
- Drown in details.
- Criticize previous budgets until you know all the facts and can correctly interpret them.
- Try to immediately change traditional budget practices.

# Definitions

**Amendment.** A change or addition which changes the meaning or scope of an original formal document. Often these are laws or regulations. However, plans or specifications can also be amended.

**Assessment.** The value placed on an item of real or personal property for property tax purposes. The rate of tax times the value equals the amount of tax levied on the property. Also a special tax levied on the property within a special assessment district.

**Audit.** An examination of the financial activities of an agency and the report based on such examination.

**Bond.** A debt instrument issued by a municipality. Bonds normally bear interest. They are a common way of raising money for capital improvements.

**Budget.** A plan for spending and receiving money to sustain municipal operations during a fiscal year.

**Capital Outlay.** Expenditures made to acquire fixed assets or additions to them. They are recorded in the general fund or utility fund where assets are to be used. Ultimately, assets acquired through the general fund should be reflected in the general fixed assets group of accounts.

**Capital Improvement Plan.** A schedule of construction of items of high cost, such as streets and buildings, over a period of five years together with a plan for spending and receiving the money to pay for the items.

**Capital Reserve.** Established to account for resources legally set aside for anticipated capital expenditures, including construction, purchase or replacement of, or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets.

# Appendix A

**City Commission.** The elected governing authority of a city which sets legislative policy for the city.

**City Manager.** The chief administrator of a municipality in the Commission-manager form of government, appointed by the Governing Body as the City's chief executive officer.

**Community Improvement District.** CIDs allow the governing body to levy additional taxes to fund improvements in the district. The taxes are derived from retail sales or special assessments on real property. CIDs can be used for commercial, industrial or mixed-use projects. CID tax revenue can be used to pay for a wide range of capital costs and certain on-going operating costs. CIDs may impose a retail sales tax of up to 2% or special assessment taxes on real property for up to 22 years.

**Comprehensive Plan.** A generalized, coordinated land-use policy statement of the governing body of a city consisting of maps and descriptive text covering objectives, principles and standards used to develop the plan. A comprehensive plan must include a plan, scheme, or design for (at least) the following elements: land use, housing, capital facilities, utilities, natural resource lands and critical areas.

**Conflict of Interest.** Engaging in any business or transaction or having a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of duties in the public interest or would tend to impair independence of judgment or action in the performance of official duties.

**Debt Service.** Payments to creditors, primarily the holders of municipal bonds. Debt service includes principal, interest and minor incidentals such as agent fees.

**Defeasance.** Paying off bonds before the original maturity, typically with the use of an escrow account.

**Developer.** Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development such.

**Development Plan.** The provision for the development of a tract of land, including a subdivision plan, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, right-of-ways and parking facilities, common open space and public facilities.

**Easement.** A right-of-way for public or quasi-public use. Normally, they are used for utilities, parkways, floodways, scenic uses, property access and other purposes. The fee title to land in the easement area remains tied to the adjacent land, and easement rights are relinquished through the vacation process.

**Effluent.** The water discharged from a sewage treatment device. See Purple Pipes.

**Eminent Domain.** The concept of the power of certain governmental entities to acquire privately owned real estate for public use by means of legal processes and adjudicated compensation to the private owner.

**Enterprise Funds.** These funds account for the financial transactions of utility or special facility services rendered to the general public financed by specific user charges (wastewater fund, water and sanitation fund). Also called “utility funds” or “business-like activity.”

**Exception** (formerly called “conditional use”). A use not appropriate to a particular zoning district as a whole but may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within the zoning ordinance are present. Exceptions are allowed or denied by the Board of Zoning Appeals.

**Executive.** Pertaining to the power to carry out laws and functions, veto legislation, appoint members of boards and commissions, and perform other duties as prescribed by law. If a municipality has a city manager, the administrative portion of the executive function is the responsibility of the manager.

**Executive Session.** A portion of a meeting closed to the public that can legally be held only for certain purposes.

**Feasibility Study.** A preliminary survey to determine the design, aesthetics, construction and economic aspects of a proposed project.

**Flood Plain.** The area along a natural watercourse subject to periodic overflow by water.

**General Fund.** Used to account for all revenues and the activities financed by them, which are not accounted for in a special fund.

**General Obligation Bond.** A financial instrument giving borrowing power to a municipality, based on pledging of taxing power to retire the debt and pay interest.

**General Obligation Bond Funds.** Established to account for the proceeds from bond sales and other revenues properly allocated to these funds and the costs of projects financed by them.

**Historic Preservation Commission.** In May of 2023, the city of Newton adopted an ordinance such that the Historic Preservation Commission was a subset of the Newton Area Planning Commission. The Newton Historic Preservation Commission (HPC) has been active in guiding the community in the preservation of historic structures, preservation incentives, and education in our cultural heritage. Newton is a designated Certified Local Government (CLG) by the State Historic Preservation Office (SHPO). This allows the HPC, with continued training, to perform state law design review on projects affecting listed historic properties.



**Home Rule.** The ability of cities to govern themselves independently from the state government. Cities must still abide by state laws. Kansans passed the Home Rule Amendment to the state constitution in 1961.

**Improvements.** Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including but not limited to grading, paving, curb, gutter, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities and sewage disposal facilities.

**Industrial Park.** A planned industrial area where consideration has been given to human and aesthetic values, such as vegetation, open space and buffer zones.

**ISO Rating.** Fire insurance rating issued by Insurance Services Office (ISO) on a scale of 1- 10 based on a community's water supply; fire staffing, equipment, training, inspection & prevention programs; hydrant maintenance & testing; and dispatching. Currently, the City is has a Class 2 rating

**Job Description.** An outline of the duties assigned a class of personnel positions together with the training and experience normally required to qualify for the class.

**Judicial.** Pertaining to the power to judge, to administer justice, and interpret laws and ordinances.

**Legislative.** Pertaining to the power to make laws as opposed to executive and judicial.

**Meeting.** A gathering of elected officials set or called in accordance with prescribed laws or charter provisions and where business may be transacted.

**Mill.** A unit of property tax equal to one dollar per one thousand dollars of assessment.

**Non-Conforming Structure.** A structure or part of a structure that does not comply with applicable provisions in a zoning ordinance as enacted, where such structure lawfully existed prior to enactment of such ordinance to its location. Such non-conforming structures include but are not limited to non-conforming signs.

**Non-Conforming Use.** A use, whether of land or of structure, that lawfully existed prior to applicable provisions of a zoning ordinance that does not comply with the currently applicable use provisions in a zoning ordinance.

**Non-Disclosure Agreements (NDA)** Legally enforceable contracts that create a confidential relationship between a person who has sensitive information and a person who will gain access to that information.

**Ordinance.** A law enacted by a city. See Resolution.

**Pay Scale.** A list of approved positions with pay ranges as approved by the City Commission.

**Planned Unit Development (PUD).** A special purpose residential zoning district intended to provide well planned, cohesive and unified residential developments. Approved through a review process which establishes greater design flexibility through careful consideration of typical zoning district regulations and requirements of the subdivision regulations and landscaping requirements. The approval process may also include attachment of conditions to protect the public safety and general welfare which may include provisions for allowing land uses other than residential to the extent they are designed to serve the residents.

**Planning Commission.** A planning agency, authorized by law to prepare and recommend plans for the development of physical, social, economic and cultural resources/facilities within a city.

**Plat.** The official map of a subdivision of land marking property lines, easements, right- of-way and setbacks.

**Public Forum.** An optional time on the City Commission meeting agenda for members of the public to address the Commission about issues of concern.

**Public Hearing.** A meeting or portion of a meeting provided to give members of the public a chance to speak on a particular subject such as a proposed ordinance.

**Purple Pipes.** Buried city pipes that carry reclaimed wastewater after filtration and disinfection to be used for irrigation. Blue pipes are used for potable or drinking water.

**Regulation.** A rule, procedure or other formal requirement passed to carry out the purpose of the law. It carries the same legal power as the law but may only be used to carry out the purpose of the law under which it was passed.

**Revenue Bonds.** A borrowing tool with higher interest rates than general obligation bonds but does not need voter approval. Based on a revenue-producing project and not municipal taxing power.

**Revenue Neutral Rate.** The property tax rate in mills that would generate the same property tax revenue in dollars as levied during the previous tax year using the current tax year's total assessed valuation.

**Resolution.** An act that is typically less formal than an ordinance, expressing the opinion or mind of the legislative body and generally dealing with matters of a special or temporary character or setting policy.

**Right-of-Way.** Real property owned by the City as a public asset for conveyance either of traffic or utility services. Generally known as the streets and adjacent grassy sidestrips and sidewalks.

**Setback.** A requirement established by plat or zoning regarding how close a building can be constructed to a property line.

**Special Assessment.** The cost of public improvements provided by bond proceeds is assessed against properties benefited by the improvements and paid as part of the county property tax bill.

**Subdivision.** The division of a single tract or other parcel of land into two or more lots.

**Subdivision Regulations.** Procedures and requirements which must be met before the subdivision or development of land is permitted.

**Tax Increment Financing.** A TIF is a public financing tool used by cities to stimulate private sector development in blighted or underdeveloped areas.

**Vacation.** Relinquishing an easement, right- of-way, setback or other requirement of a plat. The process requires a recommendation by the Planning Commission and approval by the City Commission.

**Variance.** The permission granted by a City Commission or Board of Zoning Appeals, following a public hearing, for a relief of specific enumerated instances when owing to special conditions, a literal enforcement of the regulations will, in an individual case, result in unnecessary hardship. The permission granted must not be contrary to the public interest and must maintain the spirit and original intent of the ordinance.

**Workshop.** Informal work sessions of the City Commission are useful when major policy questions must be discussed or when a complicated issue is to come before the Commission. Workshops are open meetings where no formal action may be taken.

**Zoning.** The regulation by a municipality (city or county) of the use of land within its jurisdiction, and of the buildings and structures located thereon, guided by a comprehensive plan and for the purposes set out in the enabling statute.

# Local Government Acronyms

## Appendix B

<b>ADA</b>	Americans with Disabilities Act (federal law)
<b>BMP</b>	Best Management Practices
<b>CDBG</b>	Community Development Block Grant (federal funding)
<b>CID</b>	Community Improvement District (special sales tax to fund development)
<b>CIP</b>	Capital Improvement Plan
<b>CPI</b>	Consumer Price Index (U.S. Bureau of Labor Statistics)
<b>EPA</b>	U.S. Environmental Protection Agency
<b>ERT</b>	Emergency Response Team
<b>FLSA</b>	Fair Labor Standards Act (federal law)
<b>GIS</b>	Geographic Information System
<b>GO</b>	General Obligation (bonds)
<b>HCCG</b>	Harvey County Council of Governments
<b>IBC</b>	International Building Code
<b>ICMA</b>	International City/County Management Association
<b>IEBC</b>	International Existing Building Code
<b>IFC</b>	International Fire Code
<b>IRC</b>	International Residential Code
<b>IRB</b>	Industrial Revenue Bond
<b>KACM</b>	Kansas Association of City/County Management
<b>KDHE</b>	Kansas Department of Health & Environment
<b>KDOT</b>	Kansas Department of Transportation
<b>KOMA</b>	Kansas Open Meetings Act
<b>KORA</b>	Kansas Open Records Act
<b>KPERS</b>	Kansas Public Employees Retirement System
<b>KP&amp;F</b>	Kansas Police & Fire Retirement System
<b>LKM</b>	League of Kansas Municipalities
<b>MSA</b>	Metropolitan Statistical Area
<b>NIMS</b>	National Incident Management System (established by FEMA, the Federal Emergency Management Agency)

<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRC</b>	Newton Recreation Commission
<b>REAP</b>	Regional Economic Area Partnership
<b>RFP</b>	Request for Proposals
<b>RFQ</b>	Request for Qualifications
<b>RNR</b>	Revenue Neutral Rate
<b>ROW</b>	Right-of-Way
<b>TIF</b>	Tax Increment Financing
<b>TIF</b>	Tax Increment Financing

## **Aviation Commission**

This nine-member board is composed of the Mayor or designated City Commissioner, a County Commissioner, the City Manager, the County Administrator, with one member appointed by the City Commission, one member appointed by the County Commission and one at large selected by the Aviation Commission for three-year terms. This board meets on the quarterly in the Airport Administration Building at the Newton City-County Airport. Section 2-103 of the Code of the City of Newton establishes this Commission, reorganized by Ordinance 4893-15.

## **Building Appeals Board**

The five-member board is appointed by the Mayor for three-year terms. Two at large members, (suggested one architect and one engineer) three contractors (1 Class A, 1 Class A, B or C, 1 Class C or D). The Board structure is defined in City Code, Section 6-102. This board meets as needed. The Building Inspector is the staff person.

## **Community Development Commission (Choose Newton)**

The Choose Newton board is made up of various stakeholders with expertise in the field of commercial and retail development. The board advises the City Commission and City administration about programs to promote existing retail and commercial businesses and help them expand, and the recruitment of new retail and commercial businesses to the City. The five-member board is appointed to three-year terms. Membership includes a representative from the Harvey County Economic Development Council; a representative from the Newton Area Chamber of Commerce Board of Directors; the owner of a business located in the Downtown Business District; and two at-large members with expertise in retail or commercial development. Choose Newton CDC also acts as the City's Main Street Board.

## **Electrical Appeals Board**

This three member board is appointed by the City Manager for a three year term and is established in the City Code, Section 6-212. It is suggested that the board be composed of members holding electrical licenses in Newton (two Master, one journeymen). This board meets as needed. The Building Inspector serves as staff person.

## **Fire Appeals Board**

The Board of Appeal may provide reasonable interpretations of the International Fire Code and may grant an appeal. The board of appeals consists of five members who are qualified by experience and training to pass upon pertinent matters and who are not employees of City of Newton Fire/EMS.

## **Harvey County Economic Development Council**

The City of Newton appoints three members to the board, Harvey County appoints three members to the board, and the Cities of Burrton, Halstead, Hesston and North Newton, Walton, and the Newton Area Chamber of Commerce each appoint two members to the board. Each member partner will also have the chief administrator or their designee serve on the board as a non-voting ex-officio board member. The immediate past president of the EDC will remain as a board member for the year following his/her term.

### **Historic Preservation Commission**

In May of 2023, the city of Newton adopted an ordinance such that the Historic Preservation Commission was a subset of the Newton Area Planning Commission. The Newton Historic Preservation Commission (HPC) has been active in guiding the community in the preservation of historic structures, preservation incentives, and education in our cultural heritage. Newton is a designated Certified Local Government (CLG) by the State Historic Preservation Office (SHPO). This allows the HPC, with continued training, to perform state law design review on projects affecting listed historic properties.

### **Law Enforcement Advisory Panel**

The purpose of LEAP is to advise in policy development, education, community outreach, and communications related to bias-based policing by law enforcement officers and agencies of the City; and to receive, review, and provide feedback to the Chief of Police on complaints related to law enforcement actions. LEAP is composed of five members appointed by the Mayor with the consent of the majority of the City Commission. The composition of the panel shall include representation from the faith-based community, a racial justice organization, a mental health professional, and two at-large members that represent Newton's diversity. Members serve three-year terms.

### **Mechanical Appeals Board**

This three member board is appointed by the City Manager for three year terms. The Board consists of three licensed installers and staff person is the Building Inspector. This Board meets as needed.

### **Convention & Tourism Bureau Board**

Eleven members representing various community interests are appointed by the Mayor for two-year terms. Three appointments are reserved for hotel representation. The meetings are held quarterly at 8:00 a.m. in the 3rd floor conference room at City Hall. Board terms renew on August 31 of each year. The CVB Coordinator serves as secretary.

### **Library Board**

The Newton Public Library Board is an autonomous board authorized under state statute tasked with the responsibility of supervising the Library Director and establishing policies to govern library property, operations and safety. The Board consists of five members, each appointed to a staggered four-year term by the Mayor, with the consent of the City Commission. Each member may serve a total of two four-year terms.

### **Newton Area Planning Commission**

The Newton Area Planning Commission makes recommendations to the City Commission on issues relating to zoning, subdivision plats, sign regulations and various other matters affecting the development of Newton. The commission also serves as the Board of Zoning Appeals to hear and rule on applications for variances and exceptions as required under the zoning regulations, and to hear and rule on appeals from determinations of the zoning administrator.

The Commission also guides the community in the preservation of historic structures and preservation incentives. Newton is a Certified Local Government designated by the State Historic Preservation Office, which allows the Commission to perform design review on projects affecting listed historic properties.

The Planning Commission is a seven-member body appointed by the Newton City Commission in April of each year. Members serve staggered three-year terms. The Planning Commission meets on the first Monday of each month at 6 p.m. in the Commission Chambers on the third floor of Newton City Hall.

#### **Newton Housing Authority**

This is a five-member board appointed by the Mayor for four-year terms which meets at Midtown Towers. This board provides the policy making for management of the City's units of public housing plus Section 8 federally subsidized, privately-owned housing. Jolynn Colberg is the Executive Director.

#### **Newton Land Bank Board**

The purpose of the Land Bank is to acquire title to abandoned and tax-delinquent properties, eliminate the liabilities, and transfer the properties to new, responsible owners in a transparent manner that results in outcomes consistent with community-based plans. The seven-member board is appointed by the Mayor, with approval from the City Commission, for one-year terms. Membership is preferred to include a representative from the Harvey County Economic Development Council; a representative from the Newton Area Chamber of Commerce Board of Directors; the owner of a business located in the Downtown Business District; and two at-large members with expertise in the area of real estate, and experience with Habitat for Humanity.

#### **Newton Public Building Commission**

The Public Building Commission (PBC) was created in 2003 to fund athletic field improvements. The PBC is a partnership of the City of Newton, Newton Recreation Commission, and USD 373, each of which contribute 1 mill of ad valorem taxes each year toward improvements at ballfields and the public swimming pool. The board is made up of eight members – one member appointed by each of the City Commissioners, one appointed by the Harvey County Commission, one by the USD 373 Board of Education, and one by the Newton Rec Commission. The PBC typically meets once a year for an update on bonds, maintenance, and capital improvements.

#### **Newton Recreation Commission**

The NRC board is made up of five-member with two members appointed by the City Commission, two members appointed by the school board and one member at large appointed by the four Recreation Commissioners for four year terms. The NRC meets monthly on the third Friday at 7:00 a.m. at the Community Activity Center.

#### **Plumbing Appeals Board**

This board is appointed by the City Manager for three year terms. This board was established by City Code, Section 6-313. It is suggested that the board consist of two master plumbers and one journeyman. This board meets as needed. Staff person is Building Inspector.

#### **Substance Abuse Board**

The seven member board is appointed by the Mayor for three-year terms by Kansas Statute to administer the liquor tax received from the State. This board meets on the in the Law Enforcement Center Conference Room. This board administers the liquor tax received from the State. The money is used to fund alcohol and drug education, prevention and treatment programs.

**Tree Board**

The five to seven member board is appointed by the Mayor for three year terms as established in Code of the City of Newton, Section 20-602. This board meets quarterly. This board administers the tree removal and tree planting programs as well as the implementation of the Midtown Arboretum plan and the annual tree plan.