

Chapter 2.04

CITY COUNCIL

Sections:

- 2.04.100 Relationship between city council and city manager.**
2.04.110 Duties of city manager relative to city council.

Section 2.04.100 Relationship between city council and city manager.

The members of the city council and the city manager shall observe scrupulously the relationship and the respective authorities and responsibilities of each as provided by the statutes, city ordinances, council rules or procedure and the ethics of good conduct. Generally speaking, the council shall act as a policy-making body only except as specifically provided otherwise by statute and the city manager shall act as the administrative head of the city. The council shall delegate to the city manager all administrative duties not specifically required by statute to be performed by the council.

No member of the city council shall interfere directly with the conduct of any municipal department except at the express direction of a majority (three) of the council. All instructions or direction to the city manager shall come from the council as a whole after approval of a majority (three) of the council. The city manager shall disregard any other instructions or directions and shall refer them to the council as a whole. Requests for routine information may be made to department heads by individual council members but all requests for lengthy or detailed reports shall be made only to the city manager. No instructions or directions shall be given by individual council members to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the entire council for such action as may be appropriate in each individual case. (Ord. No. 23-264 § 10)

Section 2.04.110 Duties of city manager relative to city council.

The city manager shall act as the administrative head of the city and in such capacity shall direct the affairs of the city within the limits of the budget, the policies established by the city council and the requirements of the statutes. He shall attend all meetings of the council unless excused by a majority (three) of the council. He shall prepare and submit the annual budget to the council, shall keep the council advised as to the financial condition and requirements of the city and shall make recommendations to the council on all matters concerning the welfare of the city. He shall have no vote in the public meetings of the governing body and shall refrain from attempting to establish policy except as he shall make recommendations to the city council as a whole. He shall be employed by a majority (three) of the council and shall serve at the pleasure of the majority (three) of the council. He shall refrain from any and all political activity whatsoever and shall so conduct himself as to observe the highest standard of ethics of the city manager profession. When requested by the city manager (and not by individual members of the council) certain department heads and employees of the city shall attend council meetings. The city manager shall advise with the council on matters pertaining to the affairs of the city. (Ord. No. 23-264 § 11)

Chapter 2.08

ADMINISTRATIVE CODE

Sections:

- 2.08.010 Office of city manager.**
- 2.08.030 Appointment and term.**
- 2.08.040 Qualifications.**
- 2.08.050 Salary and bond.**
- 2.08.060 Oath.**
- 2.08.070 Powers and duties generally relative to council.**
- 2.08.080 Administration of city affairs; enforcement of laws and ordinances.**
- 2.08.090 Appointment of officers and employees.**
- 2.08.100 Authority to discipline appointive officers; examination of affairs of departments, officers, etc.**
- 2.08.120 Departments created and established.**
- 2.08.130 Office of administration.**
- 2.08.140 Department of public works.**
- 2.08.150 Department of law.**
- 2.08.160 Department of water and pollution control.**
- 2.08.170 Police department.**
- 2.08.180 Fire department.**
- 2.08.190 Department of community health.**
- 2.08.200 Metropolitan area planning department.**
- 2.08.210 Department of housing.**
- 2.08.215 Department of park and recreation.**
- 2.08.216 Department of economic development.**
- 2.08.217 Department of finance.**
- 2.08.218 Municipal court administrator.**
- 2.08.220 Directors of departments responsible to city manager--Division heads responsible to department heads.**
- 2.08.230 Duties of officers and employees generally.**
- 2.08.240 Appointment of personnel in departments and offices.**
- 2.08.260 Authority granted city manager by state law not restricted.**

Section 2.08.010 Office of city manager.

There is created the office of city manager. The office of city manager shall consist of such deputies, assistants and other employees as may be necessary for the efficient operation of said office. The office of city manager shall be responsible for carrying out the duties and obligations of the city manager as set forth in state statutes, city ordinances, policies and regulations. In addition, the city manager's office shall be responsible for carrying out the duties as may be assigned to the office by the city manager. (Ord. No. 39-844 § 1)

Section 2.08.030 Appointment and term.

The city manager shall be appointed by the city council of the city, and shall hold his office at the pleasure of the board. (Ord. No. 23-263 § 2)

Section 2.08.040 Qualifications.

The city manager shall be chosen solely upon the basis of administrative ability, and his choice shall not be limited by any residence qualifications. (Ord. No. 23-263 § 2)

Section 2.08.050 Salary and bond.

The city manager shall receive a salary to be fixed by city council and shall give bond for the faithful performance of his duties in such amount as may be provided by ordinance. (Ord. No. 23-263 § 3)

Section 2.08.060 Oath.

The city manager shall take and subscribe an oath of office for the faithful performance of his duties as city manager. (Ord. No. 23-263 § 3)

Section 2.08.070 Powers and duties generally relative to council.

The city manager shall have a seat, but no vote, in all public meetings of the council. He shall make recommendations to the council on all matters concerning the welfare of the city. The city manager shall prepare and submit the annual budget of the city to the council, and shall keep the city fully advised as to the financial conditions and needs of the city. (Ord. No. 23-263 § 4)

Section 2.08.080 Administration of city affairs; enforcement of laws and ordinances.

The administration of the affairs and business of the city shall be in the hands of the city manager. He shall see that the laws and the ordinances of the city are enforced. (Ord. No. 2-23-263 § 5)

Section 2.08.090 Appointment of officers and employees.

The city manager shall appoint and remove all heads of departments and all the subordinate officers and employees of the city. All appointments shall be made upon merit and fitness alone. (Ord. No. 39-844 § 2)

Section 2.08.100 Authority to discipline appointive officers; examination of affairs of departments, officers, etc.

The city manager shall be responsible for the discipline of all appointive officers of the city, and may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. (Ord. No. 23-263 § 7)

Section 2.08.120 Departments created and established.

Chapter 2.08

ADMINISTRATIVE CODE

Sections:

- 2.08.010 Office of city manager.**
- 2.08.030 Appointment and term.**
- 2.08.040 Qualifications.**
- 2.08.050 Salary and bond.**
- 2.08.060 Oath.**
- 2.08.070 Powers and duties generally relative to council.**
- 2.08.080 Administration of city affairs; enforcement of laws and ordinances.**
- 2.08.090 Appointment of officers and employees.**
- 2.08.100 Authority to discipline appointive officers; examination of affairs of departments, officers, etc.**
- 2.08.120 Departments created and established.**
- 2.08.130 Office of administration.**
- 2.08.140 Department of public works.**
- 2.08.150 Department of law.**
- 2.08.160 Department of water and pollution control.**
- 2.08.170 Police department.**
- 2.08.180 Fire department.**
- 2.08.190 Department of community health.**
- 2.08.200 Metropolitan area planning department.**
- 2.08.210 Department of housing.**
- 2.08.215 Department of park and recreation.**
- 2.08.216 Department of economic development.**
- 2.08.217 Department of finance.**
- 2.08.218 Municipal court administrator.**
- 2.08.220 Directors of departments responsible to city manager--Division heads responsible to department heads.**
- 2.08.230 Duties of officers and employees generally.**
- 2.08.240 Appointment of personnel in departments and offices.**
- 2.08.260 Authority granted city manager by state law not restricted.**

Section 2.08.010 Office of city manager.

There is created the office of city manager. The office of city manager shall consist of such deputies, assistants and other employees as may be necessary for the efficient operation of said office. The office of city manager shall be responsible for carrying out the duties and obligations of the city manager as set forth in state statutes, city ordinances, policies and regulations. In addition, the city manager's office shall be responsible for carrying out the duties as may be assigned to the office by the city manager. (Ord. No. 39-844 § 1)

Section 2.08.030 Appointment and term.

The city manager shall be appointed by the city council of the city, and shall hold his office at the pleasure of the board. (Ord. No. 23-263 § 2)

Section @@ITEM 2.08.120 Departments created and established.

The following named and designated departments and offices of the city are created and established:

- (1) Public works department, director of public works;
- (2) Law department, director of law and city attorney;
- (3) Water department and pollution control, director of water and pollution control;
- (4) Police department, chief of police;
- (5) Fire department, fire chief;
- (6) Department of environmental health, director of environmental health;
- (7) Metropolitan area planning department, director of metropolitan planning;
- (8) Housing department, director of housing;
- (9) Department of finance, director of finance;
- (10) Department of park and recreation, director of park and recreation; and
- (11) Wichita transit, general manager. (Ord. No. 45-166)

(44-142, Amended, 12/18/2001, 45-166 published 12/22/01)

Section 2.08.130 Office of administration.

The office of administration shall be directly under the city manager and shall consist of such staff as may be necessary to carry on the work of the office. The office of administration shall be responsible for personnel management, public affairs and information, legislative activities, data processing and community facilities management (Ord. No. 39-844 § 4)

Section 2.08.140 Department of public works.

The department of public works shall consist of a director of public works and such staff as may be necessary to carry on the work of the department. The department of public works shall be responsible for design and preparation of plans for public works projects of the city and for the supervision of the construction of such projects; for the direction and coordination of maintenance for city streets, alleys, and bridges including snow removal; public buildings and ground maintenance; shall be responsible for the central motor pool and for all vehicle and equipment maintenance; shall be responsible for all traffic control regulation and design in the city. (Ord. No. 39-844 § 5)

Section 2.08.150 Department of law.

The department of law shall consist of the city attorney as director of law, and such staff as may be necessary to carry on the work of the department. The department shall be responsible for handling the legal affairs of the city in accordance with this code and other ordinances of the city and the laws of the state.

The city attorney shall in person or by deputy attend all cases wherein the city is a party in all courts, and shall in person or by deputy attend all official meetings of the city council, and render legal services to all of the departments and officers of the city as may be required. (Ord. No. 39-844 § 6)

Section 2.08.160 Department of water and pollution control.

The department of water and pollution control shall consist of the director of water and pollution control and such staff as may be necessary to carry on the work of the department. The department shall be responsible for all functions of the water and sewer utilities, including administration, operations, planning, maintenance, billing, accounting and customer service. (Ord. No. 39-844 § 7)

Section 2.08.170 Police department.

The police department of the city shall consist of the chief of police and all staff members necessary to carry on the work of the department. The police department shall be responsible for all the police functions and activities of the city relating to the protection of life and property and the suppression and prevention of crime in the city in accordance with the laws of the state, this code and other ordinances of the city. (Ord. No. 39-844 § 8)

Section 2.08.180 Fire department.

The fire department of the city shall consist of the fire chief and such staff as may be necessary to carry on the work of the department. The department shall be responsible for all activities associated with fire prevention, suppression, training, investigation, inspection, and education. (Ord. No. 39-844 § 9)

Section 2.08.190 Department of community health.

Section: 2.08.190 Department of environmental health.

(a) The department of environmental health shall consist of a director of environmental health and such staff as may be necessary to carry on the work of the department. The department is responsible for developing, organizing, coordinating, directing and implementing environmental health programs in the city of Wichita and by interlocal agreement may undertake the same functions for Sedgwick County and other incorporated towns in Sedgwick County.

(b) Unless the context clearly means otherwise, whenever in the Code of the City of Wichita, Kansas, reference is made (with or without capitalization) to the Wichita-Sedgwick County department of community health, the Wichita-Sedgwick County department of public health, the Wichita-Sedgwick County board of health, the department of community health, the department of health, health department or the board of health, from and after the effective date of the ordinance codified in this section, each such reference shall mean the department of environmental health.

(c) Unless the context clearly means otherwise, whenever in the Code of the City of Wichita, Kansas, reference is made (with or without capitalization) to the health officer, the director of community health, the director of community health/housing, the director of public health, the director of the Wichita-Sedgwick county department of community health, the director of the health department of the city of Wichita, Kansas, or the environmental health director, from and after the effective date of the ordinance codified in this section, each such reference shall mean the director of the department of environmental health. (Ord. No. 45-166 § 2; Ord. No. 39-844 § 10)

(39-844, Amended, 12/18/2001, 45-166 published 12/22/01)

Section 2.08.200 Metropolitan area planning department.

The metropolitan area planning department shall consist of a director of metropolitan area planning department and such staff as may be necessary to carry on the work of the department. The metropolitan area planning department shall be responsible for supervising, directing, and coordinating all plans leading to a comprehensive development plan; advise the metropolitan area planning commission, provide technical staff assistance to county and city. (Ord. No. 39-844 § 11)

Section 2.08.210 Department of housing.

The department of housing shall consist of a director of housing and such staff as may be necessary to carry on the work of the department. The department shall be responsible for city housing activities including public housing, Section 8 vouchers, housing development, home ownership, neighborhood revitalization, and neighborhood improvement services. (Ord. 44-142, § 2)

Section 2.08.215 Department of park and recreation.

The department of park and recreation shall consist of a director of park and recreation and such staff as may be necessary to carry on the work of the department. This department shall be responsible for maintenance and operation of parks and recreation facilities and the provision of recreation programs. The department shall provide staff support to the board of park commissioners as may be necessary to permit the Board to carry out its duties under Section 2.12.350(b). (Ord. No. 40-949 § 2)

Section 2.08.216 Department of economic development.

The department of economic development shall consist of the director of economic development and such staff as may be necessary to carry on the work of the department. This department shall be responsible for industrial development, and central inspection. (Ord. No. 39-844 § 13)

Section 2.08.217 Department of finance.

The department of finance shall consist of the director of finance and such staff as may be necessary to carry on the work of the department. The department of finance shall be responsible for retirement and insurance; supervision, control of receipts, expenditures and fiscal records of the city; shall issue financial reports and manage the city's debts; shall prepare and administer the city's annual operating budget; shall be responsible for purchasing; investment of monies; issuance of bonds; capital expenditures and all auditing thereof; shall be or designate a secretary of the council and keep minutes of the meetings; shall be responsible for the performance of all the statutory requirements of the

office of city clerk; shall administer oaths when required; and shall prepare all necessary documents required for bond transcripts. (Ord. No. 43-573 § 5)

Section 2.08.218 Municipal court administrator.

(a) Pursuant to the provisions of Charter Ordinance No. 135 there is hereby established a municipal court administrator, who shall be appointed by the city manager and shall be an employee of the city. The compensation of the municipal court administrator shall be set by the city council.

(b) The municipal court administrator shall serve as a department head and report directly to the city manager. The municipal court clerk and chief probation officer shall report directly to the municipal court administrator. The municipal court administrator, subject to the direction and control of the city manager, shall be responsible for personnel and administrative matters involving all municipal court employees, probation employees, and warrant office employees, except for those matters that involve administration of the judicial function of the municipal court.

(c) The municipal court administrator shall be responsible to the administrative judge of the Wichita municipal court for the implementation of the policies of the municipal court with respect to the judicial functions of the municipal court.

(d) The municipal court administrator shall be responsible for directing the nonjudicial operations of the municipal court clerk's office, probation section, warrant office and all administrative matters including, but not limited to, preparation of dockets, records, collection and recording of fines, provision of probation services and issue and process of warrants.

(e) Pursuant to Charter Ordinance No. 135, there is hereby established a clerk of the municipal court, who shall be appointed by the city manager and shall be an employee of the city. The compensation of the clerk of the municipal court shall be set by the city council.

The clerk shall issue all process of the court, administer oaths, file and preserve all papers, docket cases and set the same for trial and shall perform such further acts as may be necessary to carry out the duties, responsibilities and administration of the court. The clerk shall receive, account for and pay to the city treasurer monthly all fines, costs and forfeited bonds paid into the court. The clerk shall make reports to the judicial administrator of the state of Kansas and furnish the information when requested by the judicial administrator or a departmental justice on such forms furnished by the judicial administrator, and approved by the supreme court.

The clerk of the municipal court shall, upon appointment and before entering upon the duties of office, execute to the city such bond as the governing body may require, which shall be approved by the governing body, and filed in the office of the city clerk, conditioned for the faithful performance of the duties required of him or her by law, and for the faithful application and payment of all moneys that may come into his or her hands in the execution of the duties of the office. The city shall pay the cost of such bond.

(f) Pursuant to Charter Ordinance No. 135 there is hereby established a chief probation officer of the municipal court, who shall be appointed by the city manager and

shall be an employee of the city. The compensation of the chief probation officer shall be set by the city council.

The chief probation officer shall coordinate activities between judges, probation officers, and the municipal court clerk's office. The chief probation officer shall provide a probation officer to each division of municipal court to act as bailiff of said court and shall supervise probation officers in their daily assignments. The chief probation officer shall provide presentence investigations, diversion evaluations, and sentencing recommendations required by the municipal court or the city attorney and shall supervise all persons convicted in municipal court who are placed on parole or probation. (Ord. No. 41-513 § 1)

Section 2.08.220 Directors of departments responsible to city manager--Division heads responsible to department heads.

The directors of the administrative departments enumerated in Section 2.08.120 shall be responsible to the city manager for the administration of their respective departments in accordance with approved departmental policies, plans and procedures. The staff within each such department shall be responsible to their respective department heads for the administration of the activities and services of their respective divisions and for the supervision of the personnel assigned to such divisions. (Ord. No. 39-844 § 15)

Section 2.08.230 Duties of officers and employees generally.

The department heads and officers enumerated in Sections 2.08.120 to 2.08.210 and all other employees of all departments, divisions and offices of the city shall have and perform such other duties as are now, or as may hereafter be prescribed by the laws of the state, the provisions of this code, and the other ordinances of the city; and in addition thereto shall perform such other and further duties as may be directed by the city manager in order to effectively carry out the work of the city. (Ord. No. 23-263 § 19)

Section 2.08.240 Appointment of personnel in departments and offices.

The personnel and staff of the city manager's office as set out at Section 2.08.010 and the departments and offices enumerated in Sections 2.08.120 to 2.08.210 shall consist of such officers, deputies, assistants and other employees as may be appointed and assigned thereto by the city manager in accordance with the personnel regulations and policies of the city. All appointments shall be made on the basis of a position classification plan on file in the office of the city clerk for all appointive officers and employees of the city, and in accordance with a uniform pay plan of salary ranges for all such positions as shall be provided by ordinance; provided, the functions assigned to each department as set forth in this chapter is intended to serve as a guideline to the city manager, and nothing in this chapter shall be construed to limit the administrative discretion of the city manager to from time to time reassign functions between departments for the purpose of integrating and coordinating related city services. (Ord. No. 39-844 § 16)

Section 2.08.260 Authority granted city manager by state law not restricted.

Nothing in Sections 2.08.120 to 2.08.210, or in Sections 2.08.010 to 2.08.110 shall in any way or manner be construed to restrict, abridge or limit the power or authority of the city manager as is prescribed by the laws of the state. (Ord. No. 23-263 § 22)