



Notice of Study Session
ABILENE PUBLIC LIBRARY
209 NW FOURTH STREET
October 17, 2022 - 4:00 pm

VIEW THIS CITY COMMISSION STUDY SESSION VIRTUALLY AT

www.abilenecityhall.com/watchlive

PURPOSE

The City Commission's study sessions are for the purpose of providing the commission the opportunity to study items in more detail.

OPEN FORUM

This is an opportunity to bring up items to be informally addressed. The Mayor may impose a time limit on open forum.

STUDY ITEMS

1. Lights On After School Proclamation
2. City Code Update: Section 1-108 Non-Interference – City Attorney
3. Ordinance 22-3423-Kansas Open Records Request amendment
4. 2023 Pay Plan Resolution

Proclamation

KEEPING THE LIGHTS ON AFTER SCHOOL

WHEREAS, the citizens of Abilene, Kansas stand firmly committed to quality afterschool programs and opportunities because they:

- * Provide safe and engaging learning experiences that help children realize their full potential.
- * Support working families by ensuring their children are safe and productive when they are out of their classrooms.
- * Build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families, and adults.
- * Engage families, schools, and community partners in advancing the welfare of our children.

WHEREAS, Afterschool programs provide engaging, hands-on learning and opportunities to connect with caring adults and peers.

WHEREAS, the Abilene Afterschool Program has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are key to helping our children become successful adults.

WHEREAS, *Lights on Afterschool*, the national celebration of afterschool programs held this year on October 20, 2022, promotes the importance of quality afterschool programs in the lives of children, families, and communities.

WHEREAS, nearly 25 million families report that they would enroll their child in an afterschool program if one were available.

WHEREAS, many afterschool programs across the country are facing operating challenges so severe that they are forced to consider closing their doors and turning off their lights.

WHEREAS, the City of Abilene is committed to investing in the health and safety of all young people by providing expanded learning opportunities that help our children learn and grow, while helping them develop the skills essential for success in life and work.

THEREFORE, BE IT RESOLVED that I, Mayor Dee Marshall, do hereby proclaim October 20, 2022, as ***“Lights On Afterschool DAY”*** AND BE IT FURTHER RESOLVED that the City Commission enthusiastically endorses *Lights on Afterschool* and commits our state to engage in innovative afterschool programs and activities that ensure the lights stay on and the doors stay open for all children after school.

PASSED AND ADOPTED BY THE CITY COMMISSION OF ABILENE, KANSAS, ON THIS THE 17TH DAY OF OCTOBER 2022.

Attest:

Dee Marshall, Mayor

Shayla L. Mohr, City Clerk

1-108. Non-interference.

No City Commissioner shall directly interfere with the conduct of any department, except at the express direction of the City Commission.



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

10/17/22
10/24/22

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Shayla Mohr, City Clerk

AGENDA ITEM HEADING:

Update and Amend Ordinance No. 22-3423

BACKGROUND:

Ordinance 22-3423 amends Chapter 1, Article 13 of the City Code pertaining to open public records requests.

This ordinance is mirrored from a sample ordinance from the League of Kansas Municipalities.

The fees do not change from what was previously adopted.

The main changes in the ordinance are to designate a local Freedom of Information Officer, the City Clerk and to appoint official records custodians, the City Clerk, Finance Director, Chief of Police, Fire Chief and Municipal Court Clerk so that all requests for open public records need to be initiate with one of these officials.

The ordinance also states that responses to all open public records requests shall be reviewed and approved by the City Manager, City Attorney and City Clerk before it is furnished by the custodian to the requestor.

FISCAL NOTE:

None

COMMISSION ACTION:

Adopt Ordinance No. 22-3423, amending Chapter 1, Article 13 of the City Code pertaining to open public records requests.

ORDINANCE NO. _____

AN ORDINANCE ~~ESTABLISHING~~AMENDING CHAPTER 1, ARTICLE 13 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS PERTAINING TO OPEN PUBLIC RECORDS REQUESTS, DESIGNATION OF THE LOCAL FREEDOM OF INFORMATION OFFICER AND RECORDS CUSTODIANS, AND FEES TO BE CHARGED TO PERSONS FOR ACCESSING ~~AND/OR~~ COPYING OPEN PUBLIC RECORDS.

Be it be Ordained by the Governing Body of the City of Abilene, Kansas:

SECTION ONE. ~~POLICY.~~Chapter 1, Article 13 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

Article 13. Open Records

1-1301. Policy.

(a) It is hereby declared to be the policy of the city that all public records which are made, maintained or kept by or are in the possession of the city, its officers and employees, shall be open for public inspection as provided by, and subject to the restrictions imposed by, the Kansas Open Records Act.

(b) Any person, upon request, shall have access to such open public records for the purpose of inspecting, abstracting or copying such records while they are in the possession, custody and control of the appointed or designated record custodian thereof, or his or her designated representative.

1-1302. Record custodians.

~~**SECTION TWO. RECORD CUSTODIANS.**~~

(a) All city officers and employees appointed or designated as record custodians under this article shall: ~~–protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the city; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by~~ ~~this~~the city for inspecting and copying open public records.

(b) The official custodian shall prominently display or distribute or otherwise make available to the public a brochure in the form prescribed by the ~~Local Freedom of Information Officer~~local freedom of information officer that contains basic information about the rights of a requester, the responsibilities of a public agency, and the procedures for inspecting or obtaining a copy of public records under the Kansas Open Records Act. The official custodian shall display or distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the city where it is

available to members of the public who request public information in person.

1-1303. ~~SECTION THREE. LOCAL FREEDOM OF INFORMATION OFFICERS.~~

~~The Local Freedom~~freedom of information officer.

~~The Information Officer~~local freedom of information officer shall:

- (a) ~~(a)~~**—Prepare and provide educational materials and information concerning the Kansas Open Records Act;
- (b) ~~(b)~~**—be available to assist the city and members of the general public to resolve disputes relating the Kansas Open Records Act;
- (c) ~~(c)~~**—respond to inquiries relating to the Kansas Open Records Act;
- (d) ~~(d)~~**—establish the requirements for the content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise made available to the public under the Kansas Open Records Act. In establishing such requirements for the content of the brochure, the **~~Local Freedom of Information Officer~~local freedom of information officer** shall include plainly written basic information about the rights of a requester, the responsibilities of the city, and the procedures for inspecting and obtaining a copy of public records under the Act.

~~SECTION FOUR. PUBLIC REQUEST FOR ACCESS.~~

1-1304. Public request for access.

All city offices keeping and maintaining open public records shall establish office hours during which any person may make a request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public. For any city office not open Monday through Friday, hours shall be established by the record custodian for each such day at which time any person may request access to an open public record.

~~SECTION FIVE. FACILITIES FOR PUBLIC INSPECTION.~~

1-1305. Facilities for public inspection.

All city offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect ~~and~~ or copy an open public record. The office of the city clerk, being the principal recordkeeper of the city, shall be used as the principal office for providing access to and providing copies of open records to the maximum extent practicable. Requesters of records shall be referred to the office of the

city clerk except when the requested records are not in that office and are available in another city office.

~~SECTION SIX. PROCEDURES FOR INSPECTION.~~

1-1306. Procedures for inspection.

Any person requesting access to an open public record for purposes of inspecting or copying such record, or obtaining a copy thereof, shall abide by the procedures adopted by the governing body for record inspection and copying, including those procedures established by record custodians as authorized by the governing body. Such procedures shall be posted in each city office keeping and maintaining open public records.

~~SECTION SEVEN. APPOINTMENT OF OFFICIAL CUSTODIANS.~~1-1307.
Appointment of official custodians.

The following city officers are hereby appointed as official custodians for purposes of the Kansas Open Records Act and are hereby charged with responsibility for compliance with that Act with respect to the hereinafter listed public records:

- ~~(a) (a) City Clerk—All~~The city clerk shall be the official custodian of all public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this section.
- ~~(b) City Finance Director—All~~
(b) The city finance director shall be the official custodian of all public records not on file in the office of the city clerk and kept and maintained in the city ~~treasurer's~~finance director's office.
- ~~(c) Chief of Police—All~~
(c) The chief of police shall be the official custodian of all public records not on file in the office of the city clerk and kept and maintained in the city police department.
- ~~(d) Fire Chief—All~~
(d) The fire chief shall be the official custodian of all public records not on file in the office of the city clerk and kept and maintained in the city fire department.
- ~~(e) City Attorney—All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office.~~
- ~~(f) Clerk of the Municipal Court—All~~
(e) The clerk of the municipal court shall be the official custodian of all public records not on file in the office of the city clerk and kept and maintained in the municipal court.

~~SECTION EIGHT. APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER.~~

Upon receipt of a request to inspect or copy any record, the official custodian receiving such request shall promptly notify the city manager, city attorney, and city clerk, as applicable, and the city manager, city attorney, and city clerk, as applicable, shall review and approve the city's response before it is furnished by the custodian to the requestor.

1-1308. Appointment of local freedom of information officer.

The ~~City Clerk~~city clerk is hereby appointed as the local freedom of information officer and charged with all of the duties as set forth in Section ~~31-1303~~.

~~SECTION NINE. DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.~~

1-1309. Designation of additional record custodians.

(a) ~~Each~~ of the official custodians appointed in Section ~~Seven~~1-1307 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.

(b) Whenever an official custodian shall appoint another person as a record custodian he or she shall notify the city clerk of such designation and the city clerk shall maintain a register of all such designations.

~~SECTION TEN. REQUESTS TO BE DIRECTED TO CUSTODIANS.~~

1-1310. Requests to be directed to custodians.

(a) All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.

(b) Whenever any city officer or employee appointed or designated as a custodian under this article is presented with a request for access to, or copy of, a public record which record the custodian does not have in his or her possession and for which he or she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

~~SECTION ELEVEN. FEE ADMINISTRATION.~~

1-1311. Fee administration.

The ~~city clerk~~finance director is hereby authorized to provide the ~~clerk's~~city clerk's office, and the office of each record custodian, with sufficient cash to enable the making of change for record fee purposes. Each custodian shall transmit all record fee moneys collected to the city treasurer not less than monthly. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of fee charged and collected, which amounts shall be periodically audited by the city clerk ~~and~~ finance

~~officer and treasurer~~director of the city.

~~SECTION TWELVE. INSPECTION FEE.~~

1-1312. Inspection fee.

(a) Where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.

(b) In all cases not covered by subsection (a), a record inspection fee shall be charged at an hourly rate determined by the actual hourly rate of the employee engaged in the record search plus 20% to cover benefits. A minimum charge of \$10.00 shall be charged for each such request.

(c) No inspection fee will be assessed when a denial of a request is made.

~~SECTION THIRTEEN. COPYING FEE.~~

1-1313. Copying fee.

(a) A fee of \$1.00 per page for the first page and \$.50 for every page thereafter shall be charged for photocopying public records, such fee to cover the cost of labor, materials and equipment.

(b) For copying any public records which cannot be reproduced by the ~~city's~~city's photocopying equipment, the requester shall be charged the actual cost to the city, including staff time, in reproducing such records.

(c) A fee of \$1.00 per page for the first page and \$.50 for every page thereafter, shall be charged for facsimile transmission of public records, such fee to cover the cost of labor, materials, and equipment.

~~SECTION FOURTEEN. MAILING FEE~~

1-1314. Mailing fee.

The ~~records~~record custodian shall determine and assess a charge covering mailing and handling costs accrued in responding to requests received and processed through the mail service. A minimum handling fee of \$1.00 shall be charged in addition to the actual mailing costs for each request.

~~SECTION FIFTEEN. PREPAYMENT OF FEES.~~

1-1315. Prepayment of fees.

(a) A record custodian may demand prepayment of the fees established by this ~~Ordinance~~article whenever he or she believes this to be in the best interest of the ~~City~~city. The prepayment amount shall be an estimate of the inspection and ~~or~~ copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

(b) Prepayment of inspection and ~~or~~ copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$25.00.

(c) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

~~SECTION SIXTEEN. PAYMENT.~~1-1316. Payment.

All fees charged under this article shall be paid to the custodian of the records inspected and ~~or~~ copied unless the requester has established an account, for purposes of billing and payment, with the city.

~~SECTION TWO.~~ Existing Chapter 1, Article 13 of the City Code of the City of Abilene, Kansas is hereby repealed.

~~SECTION THREE.~~SECTION SEVENTEEN. This Ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

~~ORDINANC NO.~~_____ ~~SUMMARY~~

Ordinance No. _____ Summary

On ~~October 25, 2021~~_____, 2022 the City Commission passed Ordinance No. _____. The ordinance ~~establishes~~amends Chapter 1, Article 13 of the City Code of the City of Abilene, Kansas pertaining to open public records requests, designation of the local freedom of information officer and records custodians, and fees to be charged to persons for accessing ~~and/or copying~~ Open Public Records~~open public records~~. A complete copy of the Ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 25th day of ~~October 2021~~_____ 2022.

Brandon Rein

Dee Marshall, Mayor

Attest:

Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this _____ day of _____, 2022.

Aaron O. Martin, Legal Counsel



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

10/17/22
10/24/22

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Shayla Mohr, City Clerk

AGENDA ITEM HEADING:

Resolution 102422-1

BACKGROUND:

This item is continued from the August 22, 2022, City Commission meeting when approval of the 2023 Pay Plan was tabled.

In November 2019 the City Commission adopted Resolution No. 111219-1, adopting a classification and compensation plan for the City of Abilene, Kansas to ensure appropriate compensation for City Employees as prepared by the Austin Peters Group, Inc.

The Resolution provides for a 7.18% adjustment to all pay ranges in the pay plan in order to maintain the adopted pay classification plan. The 7.18% adjustment to the pay plan is based off the Consumer Price Index-Midwest Region.

FISCAL NOTE:

The 7.18% adjustment to the pay plan was included in the 2023 Budget which was approved on 8/22/22.

COMMISSION ACTION:

Adopt Resolution 102422-1, A RESOLUTION PROVIDING FOR AN ADJUSTMENT TO THE PAY PLAN OF THE CITY OF ABILENE, KANSAS, TO ENSURE APPROPRIATE COMPENSATION FOR CITY EMPLOYEES AS COMPARED WITH THE COMPARABLE LABOR MARKET.

RESOLUTION NO. 102422-1

A RESOLUTION PROVIDING FOR AN ADJUSTMENT TO THE PAY PLAN OF THE CITY OF ABILENE, KANSAS, TO ENSURE APPROPRIATE COMPENSATION FOR CITY EMPLOYEES AS COMPARED WITH THE COMPARABLE LABOR MARKET.

WHEREAS, the City Commission has adopted Resolution Number 111219-1 adopting a classification and compensation plan for the City of Abilene, Kansas to ensure appropriate compensation for City Employees as prepared by the Austin Peters Group, Inc. The new ranges were put in place January 1, 2020;

NOW, THEREFORE BE IT RESOLVED, by the City Commission of the City of Abilene, Kansas, as follows:

SECTION 1. Adjustment to Pay Plan. In order to maintain the adopted pay and classification plan a seven and eighteen hundredths of one percent (7.18%) adjustment will be applied to all pay ranges in the Pay Plan for 2023 as shown in the table below:

RANGE	2022 MIN	2022 MAX	2023 MIN	2023 MAX
1	\$14.92	\$20.15	\$15.99	\$21.60
2	\$16.59	\$22.40	\$17.78	\$24.01
3	\$17.84	\$24.10	\$19.12	\$25.83
3-F	\$13.64	\$18.41	\$14.62	\$19.73
4	\$19.11	\$25.82	\$20.48	\$27.67
5	\$20.23	\$27.32	\$21.68	\$29.28
5-F	\$15.42	\$20.82	\$16.53	\$22.31
6	\$21.58	\$29.13	\$23.13	\$31.22
7	\$24.21	\$32.68	\$25.95	\$35.03
8	\$25.42	\$33.67	\$27.25	\$36.09
9	\$25.96	\$35.05	\$27.82	\$37.57
9-F	\$19.74	\$26.65	\$21.16	\$28.56
10	\$27.26	\$36.80	\$29.22	\$39.44
11	\$35.43	\$47.84	\$37.97	\$51.27
12	\$37.20	\$50.23	\$39.87	\$53.84
13	\$50.34	\$68.02	\$52.10	\$70.40

SECTION 2. Step System. The adopted 2023 budget incorporated the amounts necessary to execute the provision of the Pay Plan that provides for the above adjustments to the pay plan.

SECTION 3. Implementation. The City Manager is hereby authorized to implement changes to the Pay Plan as provided in the approved Pay Plan document and this Resolution as provided in the applicable resolutions, ordinances, and laws.

SECTION 4. Repeal. Adoption of this Resolution superseded and repeals all previous Pay Plans adopted by the City of Abilene, Kansas.

SECTION 5. Effective Date. That the effects of the Resolution shall be in full force and effective as of January 1, 2023.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 24th day of October 2022.

(Seal)

Dee Marshall, Mayor

ATTEST:

Shayla L. Mohr
City Clerk