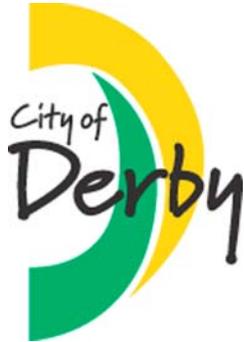


# GOVERNING BODY MANUAL



# GOVERNING BODY MANUAL

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**Adopted by the Governing Body on January 26, 2016**

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# Introduction 1

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This manual is designed for the Governing Body and is particularly helpful for newly-elected or appointed Council 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 Council meeting, which is where the formal role of the Council member is exercised. Use this manual to learn how to perform your role as a member of the City's Governing Body.

This manual is to be used instead of the *Governing Body Handbook*, published by the League of Kansas Municipalities. General information regarding Kansas Law and other topics is contained in the League publication, although because the League serves more than 600 member cities having several different forms of governance, the Derby-specific document is most helpful to Derby officials. If your questions cannot be found in this publication, contact the City Manager who will get your question answered.

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 Council Member

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 City Council, 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

In January, 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 Sedgwick County Board of Commissioners.

New Council 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 directors 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 Council members to gain an insight into their perspectives and experience.

### Review Key Documents

You will receive information at orientation sessions that you can read later and use as reference during your time on the Council. You will also receive other documents such as the Code of Meeting Procedure which will help you do your job. At the end of your term, these will need to be turned back in so they can be provided to your replacement. 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

### 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.

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...**

- **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 Council member.

### **Take it Slowly**

Resist the urge to recommend drastic changes before you know how everything works. Many of the City's policies have evolved over years through trial and error. While some things may appear to need an overhaul, it pays to watch for awhile before trying to change things. Don't seek change simply to do things differently! Give yourself some time to learn the fundamentals.

### **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. Deliberations of the Governing Body are done in public meetings, and most records are available to the public.

- **City programs and facilities don't pay for themselves.** We don't charge fees to cover all costs for programs, such as senior services or recreational facilities like the aquatic park. These programs are offered as part of the quality of life of the community, which is why they are supported by tax dollars. Also, you want all members of the community to be able to participate and use the facilities, not just the wealthiest. The City has an obligation to all of its citizens, regardless of their socio-economic level, to provide a high quality of life.
- **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

- **Meetings.** The City Council meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 6:30 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.
- **Pay.** City Council members receive a stipend of \$100/month for their service. Because the Mayor's position includes more duties than the Council, a stipend of \$500/month is provided. Stipends may also be declined or re-directed to a non-profit organization on the City's approved list, which includes:
  - Derby Community Foundation
  - Derby Community Family Services
  - Derby Historical Museum
  - United Way of the Plains
  - Victory in the Valley
  - Youth Horizons
  - City General Fund for support of the public library, senior services or parks
- **Wards.** The City of Derby is divided into four wards with two Council members elected on staggered four-year terms from each ward. The Mayor is elected at-large for a four-year term.

## 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 Council.
- Carry a notebook** for the first six months and write things down to help you keep on track.
- Maintain papers and 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 Council 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 of 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 Council members.
- Network with your peers.** Meet with other elected officials from neighboring communities. They can provide support and new ideas. Get involved in the Sedgwick County Association of Cities, the Regional Economic Area Partnership (REAP), the League of Kansas Municipalities, or the National League of Cities organizations.
- Find an experienced mentor** on the Council. 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 Derby**

Derby operates under the Mayor-Council-Manager form of government, a system that combines strong political leadership of elected officials with strong managerial experience of a professional City Manager. In this form of government, Council members and the Mayor are leaders and policy makers elected to represent both their wards and the City as a whole by concentrating on policy issues that are responsive to citizens' needs and wishes. The City Manager is hired by the City Council and Mayor to carry out policies, oversee City operations, and ensure that the entire City is being served. The Governing Body establishes goals and policies which the staff executes under the supervision of the City Manager.

## **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 the 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. In exercising home rule powers, cities may legislate on any subject other than those reserved to the exclusive jurisdiction of the legislature by the Home Rule Amendment itself.

## **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. City classification is more or less an historical legacy of the state legislature pre-dating Home Rule authority, although it is still a general reference tool for City size.

Derby is a City of the Second Class. The official 2014 population estimate is 23,234. Derby is eligible to become a City of the First Class and must do so when its population reaches 25,000, which is estimated to occur around 2017.

## **Additional Related Information**

Additional related information can be found in Chapter 1 of the Governing Body Handbook, published by the League of Kansas Municipalities.

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

- Enacting ordinances, resolutions and policies;
- Establishing City fees and utility rates;
- Approving the appointment of the City Manager, Municipal Judge, members of various boards and commissions, and vacant Council 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 Council member to administer City affairs. The Council sets policy, and the City Manager actually sees that the policies are implemented.

The City Council gives direction to the City Manager as a body in votes made in public meetings, not individually.

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

Council 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 Council makes a decision, it becomes the entire Council's decision. If you are asked about the issue and do not wish to defend it, simply explain why the Council made the decision it did.

## **Adopting Policy**

The Council does not make policy in a vacuum. The Council relies on input and ideas from many sources, including staff, advisory boards, citizens groups and others. It is the Council's responsibility to consider the merits of each idea and then approve, modify or reject it. In doing so, Council 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 Citizen Complaints**

Residents often contact a Council member when they have a problem. You may also be approached by a citizen, 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 citizen request, contact the City Manager and he or she 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 Council member 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 and even then, the City Manager should be copied.

## **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 Council member or been served a legal notice in your capacity as a Council member, immediately contact the City Attorney.

While generally it is best to ask your questions of the City Manager, who can answer most of them, you can contact the City Attorney directly if you think it appropriate. Remember, although he or she is on salary, the attorney's time is a City resource, so use it wisely. 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.

The City Attorney also supervises an Assistant City Attorney (part-time) and the City Prosecutor, who is a local attorney in private practice working part-time under contract with the City.

## **Personnel Management**

The Governing Body approves the City's compensation plan and personnel policy. It also hires the City Manager and approves his or her contract. All other personnel actions, unless

specifically defined in the personnel policy, are the duty and responsibility of the City Manager. He or she is responsible for the hiring, discipline, promotion, demotion and firing of all City employees.

The Governing Body appoints the Municipal Judge, although due to the independent nature of the judicial branch of government, little contact usually occurs with the Governing Body during a judge's term of office. In no circumstance should a Council 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.** You should direct the employee to his/her supervisor, the Human Resources Director or remind them that the City Manager has an open door policy for all employees. Afterwards, give the City Manager a courtesy call to keep him/her in the loop.

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

**A.** No. However, if a particular termination may prove controversial, he or she will likely inform you.

**Q. Can we talk about personnel issues during a Council 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 & Council President **5**

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The Mayor is the only official of the Governing Body elected at-large and as such is a key political and policy leader. The Mayor presides over City Council meetings, serves as spokesperson for the community, facilitates communication and understanding between elected officials, assists the City Council in setting goals and policies, serves as an ambassador and defender of the community, nominates persons to serve on boards and committees, and then appoints them after Council approval. The Mayor also makes proclamations and serves as a key representative in intergovernmental relations, including participation in the Regional Economic Area Partnership (REAP) and other intergovernmental or regional partnerships. Together, the Mayor and City Council form a policy-development team.

The Mayor votes on employment matters of the city manager and municipal judge, charter ordinances, and other matters as prescribed by state law (i.e., zoning changes). On ordinary ordinances and other matters, the Mayor votes only when the Council is evenly divided. The Mayor has the power to veto ordinary ordinances unless he/she has cast the deciding vote. The Mayor has signature authority only when so designated by the Council. Staff prepares documents for signature at City Hall.

## **Council President**

The Council President is a serving Council member elected by the members of the City Council to serve in the temporary absence of the Mayor. The Council President presides at all Council meetings when the Mayor is absent. He/She performs the ceremonial duties of the Mayor during the Mayor's absence. When occupying the place of the Mayor, he/she has the same privileges as other Council members and shall exercise no veto. The Council President is also tasked with leading the annual performance evaluation of the City Manager.

During Council meetings, the Council President takes the lead role in assisting the Mayor with meeting management, including but not limited to leading the Pledge of Allegiance, making motions to approve minutes, approve the consent agenda, recess to executive session, and bring the Council back to order following an executive session, indicating no binding action was taken during the session. The Council President exercises leadership by assisting newer council members with parliamentary procedures and Council norms.

Each year, an election for Council President is held usually during the second Council meeting in January. The floor is opened for nominations, nominations (with seconds) are received, the floor is closed, and nominees are then voted on publicly. A majority vote of the Council members present and voting is required to elect a Council President. The term of a Council President is one year or until a new Council President is elected.

When a vacancy occurs in the office of Mayor, the Council President shall succeed to the office until the next regular City election (CO #46).

# Role of the City Manager **6**

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The City Manager is hired 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:

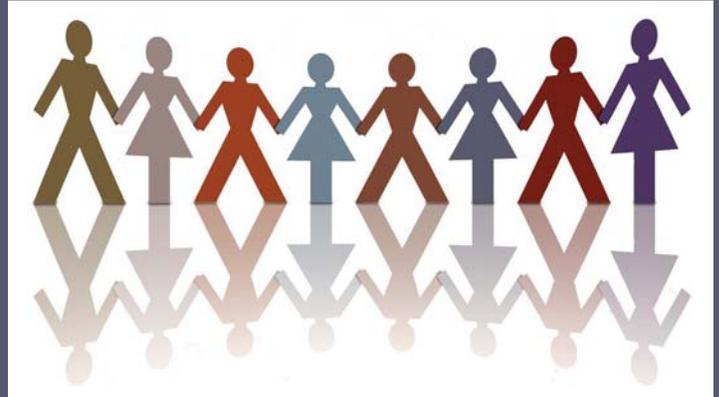
- supervises all of the City's departments and employees;
- serves as the City Council's chief advisor and carries out the City Council's policies;
- recruits, hires, disciplines, and fires employees;
- prepares a budget for the City Council's consideration;
- fulfills a leadership role in the community 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 citizens).

Council members and citizens 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.

## **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.

# COUNCIL AND STAFF RELATIONSHIP



## What the Council expects from the staff

- No surprises
- Speak in simple terms
- Understand what the community cares about
- Make recommendations that are reliable, professional, and based on facts, not emotions
- Show commitment to the organization and the community
- Understand how important it is for citizens to trust their local government

## What the staff expects from the Council

- Set broad policy for the City, not get involved in day-to-day decisions
- Respect the staff's professional training and expertise
- Respect the staff personally
- Trust that the staff is trying to do good for the community
- Give staff the freedom and resources to carry out the mission
- Speak as a Council, not just as individuals
- Don't expect staff to take action if other council members don't support your issue

## What will the Council do to support the staff?

- Back up the staff
- Trust staff's recommendations
- Respect staff expertise, training, and knowledge
- Give staff the freedom to decide how best to carry out goals
- Educate the community
- Communicate priorities as a Council, not just as individuals
- Give staff a heads-up when possible

## What will the staff do to support the Council?

- Do their jobs skillfully and with integrity
- Encourage community input
- Maintain a professional demeanor
- Identify policy issues and take them to the Council
- Respond to Council needs and requests
- Provide best practices and consult with other cities who do things right
- Provide a range of options and explain the consequences of each
- Educate the Council

# El Paso Water Company 7

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The City is the sole shareholder of El Paso Water Company. The City purchased El Paso Water Company in 1999. Though a separate company, El Paso functions like an enterprise fund for the City. This means that while the water company produces revenue, the revenue is tied to the expenditures necessary to provide the service. Beyond that, dividends are paid monthly to the City.

El Paso functions as a City department. The President of the water company is the city manager. The President oversees operations and delegates duties as appropriate to financial and public works staff.

The City Council acts as the Board of Directors. The Mayor acts as Chairperson. The Council President acts as Vice Chairperson. The Director of Public Works acts as the Vice-President. The Finance Director acts as the Treasurer. The City Clerk acts as the Secretary.

As with City business, the business of the water company is conducted in an open, public meeting. The Board of Directors meets after the regular City Council meeting is recessed or adjourned on the fourth Tuesday of the month.

Meetings are conducted according to the Code of Meeting Procedure adopted for use by the City Governing Body.

## Actions of the Governing Body 8

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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 establishing the employee compensation plan, or 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 five affirmative votes by the City Council. Even if a position is vacant due to death or resignation, a full majority of the full body is still required. An abstention on an ordinance counts as an abstention and not with the prevailing side as with non-ordinance matters.
- **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 six affirmative votes of the Governing Body (City Council + Mayor).
- **Resolution.** This is a less formal action than an ordinance and acts more as an expression of the opinion of the Governing Body. Passage of a Resolution requires a simple majority vote of City Council members present and voting.
- **Governing Body Policies.** A Governing Body policy is an internal or administrative action to address issues not covered by a City ordinance, regulation, or the municipal code book and establishes rules and requirements not listed in any of those other publications. Passage of a Governing Body policy requires a simple majority vote of City Council members present and voting.

When a vacancy on the City Council occurs, the unexpired term shall be filled by appointment by majority vote of the Council, following a nomination made by the Mayor. If the Mayor’s nomination does not receive a majority vote, then the vacancy shall be filled by appointment made by the Council.

# The Council Meeting 9

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The Council meeting is the place to get the critical job of decision-making accomplished. A smoothly managed and productive Council 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 Council participation, maintains order and decorum, and sees that all motions are properly dealt with as they arise.

## 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 a read-ahead packet of information that is normally posted on-line at [www.derbyweb.com](http://www.derbyweb.com) (Government tab then click on Council Agenda/Minutes) or, if requested, on paper to your residence or other designated location on the Thursday afternoon prior to the meeting.

The read-ahead packet contains the agenda and supporting material for each agenda item. Every item is accompanied by a staff report which gives you 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 your 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 web page. Meeting minutes are posted on this web page rather than printed in paper packets.

The Mayor can change the order of business or add/delete items the night of the meeting by majority acceptance from the Council at the beginning of the meeting.

## The Meeting

Even the best-planned Council 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 Council meeting and the procedures that will be followed.

- 1. Call to Order**
- 2. Flag Salute:** The Council President or a special guest is recognized by the Mayor to lead the flag salute.
- 3. Invocation:** Local ministers volunteer on a rotating basis to deliver a prayer or blessing. *Questions are sometimes raised about the constitutionality of this practice. Opening public meetings with certain types of prayers has been upheld by the courts*

*and is routinely done in Congress and many state legislatures. The key point to remember is “The point at which an invocational legislative prayer falls outside the traditions of the genre and becomes intolerable occurs when ‘the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.’” Snyder v. Murray City Corp, 159 F.3d 1233-1234 (1998) citing Marsh v. Chambers, 463 U.S. 783 (1983).*

4. **Roll Call:** Roll call by voice of all nine governing body members.
5. **Consideration of Minutes:** Approval or correction of the minutes of the previous meeting.
6. **Public Forum:** This is to allow the public to comment on any subject relevant to City government. Introduction or endorsement of candidates for public office and degrading or defamatory comments concerning a person, business, or organization are not allowed. 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 Public Forum. People making comments are required to go to the podium, state their name and keep their comments to 5 minutes. If they have written material to share with the Governing Body, they may pass it to the City Clerk for distribution to the Council dais. They must also provide a copy to the City Clerk. The Mayor with Council approval may limit the amount of time to speak or the number of speakers if the same comments are repeated or it hampers the progress of the meeting. The Public Forum is also an opportunity for Council members and staff to make comments or pass on information.
7. **Presentations.** If there are any presentations or proclamations to be made, they will normally be done at this point in the meeting.
8. **New Business.** Items are listed on the agenda in the order they will be addressed. The regular agenda includes any unfinished business and new business. Normally items on the agenda are for action, but there may be instances when items for discussion are included as an informational presentation either for the benefit of or at the request of the Governing Body.
9. **Consent Agenda.** The consent agenda is a tool used to streamline Council meetings. Routine, non-controversial items are listed collectively on the agenda and are passed with a single motion and vote.
  - The Mayor asks if any Council member wishes to remove an item from the Consent Agenda (so discussion can occur on the item).
  - No discussion is allowed on consent items.
  - If a Council member wants to discuss an item, he or she must make a motion to have an item removed from the consent agenda for separate consideration. The motion must be carried by majority vote. Items pulled from the consent agenda require a separate motion to approve, and discussion can take place on that item once a motion to approve has been made and seconded.
  - 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:
    - i. Purchases valued at less than \$50,000 that are in the approved budget and for which the low bid is recommended;

- ii. Acceptance of low-bid contractors to construct infrastructure already approved by Council resolution unless more than \$50,000 in City-at-large funding is involved;
  - iii. Minor amendments to developer petitions or resolutions that do not affect City finances or policy;
  - iv. Vacation of easements, alleys and access controls approved by the Planning Commission;
  - v. Mayoral appointments to boards and commissions (not Derby Recreation Commission or City Council);
  - vi. Donations valued \$500 or less and donations of greater value but for which the donor has indicated no desire for recognition at a council meeting;
  - vii. Routine annual actions like codification of ordinances, declaration of surplus property, nuisance abatement assessment ordinances, updating of city boundaries, and resolutions for infrastructure improvements paid by property owners for which petitions are already approved by the Council 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.

## 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. No formal action of the City Council 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;
- Confidential data relating to financial affairs or trade secrets of second parties;
- 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 Council members. Any official who knowingly violates KOMA is liable for the payment of a civil penalty of up to \$500, if the action is brought by the attorney general or a county or district attorney and may be sanctioned by the Governing Body. 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> </ul>	<ul style="list-style-type: none"> <li>▶ All members participate.</li> <li>▶ Members do not engage in side conversations during the meeting.</li> </ul>

<ul style="list-style-type: none"> <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>▶ Members actively listen to each other, to speakers, and to presenters.</li> <li>▶ Don’t “hog” the conversation; let other Council members state their thoughts.</li> <li>▶ Unnecessary meetings are not called.</li> <li>▶ Packed audiences do not unduly sway the Council.</li> </ul>
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## **Voting Guide**

### **Quorum**

A majority of Council members must be present at the meeting to constitute a quorum. This means five members of the eight-member Council must be present.

### **Abstentions**

Council members are discouraged from abstaining from voting on any issue before the Council, unless a conflict of interest exists. When a statutory conflict of interest exists, the member should explain that he or she has a conflict and excuse himself or herself before discussion begins and leave the Council Room until the item has been resolved by the remaining members.

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

### **Mayor’s Voting Power**

The Mayor may vote only in case of a charter ordinance, as a tie-breaker when the City Council is equally divided on a vote, on matters involving employment of the City Manager or Municipal Judge, and on other matters as prescribed by state law (i.e., zoning changes).

### **Mayor’s Veto Power**

The Mayor may veto an ordinance, but the mayor’s veto can be overruled by six members of the Council.

## **Questions & Answers**

### **Q. Can the Mayor unilaterally adjourn an uncompleted Council meeting?**

**A.** No, not in normal circumstances. The Mayor can request that a Council member move that the meeting be adjourned, but the motion and subsequent vote are up to the Council. If there is a disruption during a Council meeting which requires a break in the meeting to restore order, it

would be appropriate for the Mayor to announce that the meeting is recessed for ten minutes, but other than such circumstances, it is up to the Council whether they wish to continue dealing with business.

**Q. Can the Mayor call on whichever Council members he or she prefers for speaking privileges?**

**A.** No. The Mayor recognizes Council members in the order in which they turned on their lights to request their turn to speak.

**Q. Can the Mayor unilaterally cut off debate?**

**A.** No, cutting off debate requires a motion to call the question. It requires a second and a majority vote. As a meeting management tool, the Mayor may suggest when debate has extended past the point of new information being shared or when the hour is late.

**Q. If the Council passes an ordinance at one meeting, can that ordinance be reconsidered at the subsequent meeting?**

**A.** No. If the ordinance was passed and signed by the mayor, then the ordinance can subsequently be amended or repealed, but not reconsidered.

### **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.
- **Be courteous to each other and members of the public;** let them know you appreciate their comments.
- **Don't spring surprises on fellow Council 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.

# Citizen Participation at Council Meetings 10

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

## **Citizen Comments at Council Meetings**

The “Public Forum” period is a time slot set aside on the agenda for citizens to address the Council 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 and introduce themselves. Comments are to be limited to 5 minutes in length. If additional presentation time is requested by the individual or group addressing the Governing Body, additional time up to three (3) minutes may be granted only by motion, second, and majority vote of the City Council.

While providing an opportunity to speak on any topic of concern, the Mayor is responsible for maintaining order and decorum and will not allow the speaker to make personal attacks or inflammatory comments. In many cases, the speaker will be directed to meet with staff to resolve the issue or get questions answered. If the citizen has documents or papers 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 dialogue with the citizen. This time on the agenda is not intended for a discussion between the Governing Body and the citizen and should not be used for that purpose. Also, if speakers engage in personal attacks on any member of the Governing Body, it may be necessary for the Mayor to cut them off. Council members are expected to be polite to citizens appearing before them, but there is no requirement that they subject themselves to intimidation by rude speakers.

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

The City Council 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 among the members of the Governing Body. At no time will members of the audience be allowed to enter into the discussion from their seats in the audience. If recognized by the Chair, they may be allowed to speak at the podium during the discussion if the Chair believes their comments are germane to the topic and necessary or helpful for the Governing Body to continue their discussion or make their decision. Each speaker should only speak once unless clarification is requested by the Mayor.

If a planning item is on the agenda which had a public hearing as part of the process with the Planning Commission, the Mayor will not normally ask for public comment, as they had their opportunity to do so at the public hearing with the Planning Commission. The Governing Body will have the minutes of that public hearing so they can take those comments into consideration during their deliberation. *Comments are not normally allowed on an item due to the possibility of new information being presented outside the official public hearing which could open the door to potential litigation.*

## **Public Hearings**

When an item requires a public hearing, by statute, the Mayor will open the public hearing and will then facilitate the hearing. Public comments can be made in the same manner as the Public Forum agenda item. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Council in order to keep the meeting moving. Public hearings are held to gather data and opinions from the citizenry that facilitate the decision-makers at the Council meeting.

Public hearings afford the public due process prior to key decisions by the Council (and boards and commissions). Due process requires that public hearings be fair, open, and impartial. Ex parte communications are communications 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 Council's action must be defended.** Try to help people understand the factors that influenced the Council, 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 which are 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 basic understanding of the issues and allow you to intelligently consider and discuss the issue.
- **Give colleagues time to assimilate things.** You'll notice that an idea rejected one day may be presented by the one who opposed it earlier.
- **Don't try to please everyone.** This simply does not work and makes you look weak and indecisive.
- **"We've always done it this way."** Don't become so enamored with precedent that it keeps the group from moving forward.
- **Don't waste quality meeting time dealing with routine questions or complaints** that can be resolved by staff outside the meeting.
- **Alert the Mayor and 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.
- **Be sensitive to audience perceptions regarding your neutrality** during a recess, especially during hot meetings. If you meet with one group and not with another, you may be perceived as favoring that group.
- **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 upon that assumption.
- **Practice civility and decorum in discussion and debate.** Avoid personal comments that could offend other Council members, the Mayor, staff or the audience.
- **Honor the role of the Chair.** Council members should honor the role of the Chair to focus discussion on agenda items and ensure the meeting moves along in a reasonable manner. If there is disagreement about the agenda or Chair's actions, those actions should be voiced politely and with reason.

## **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 12

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

-- Mark Twain

It is essential for Council members to understand their role and how it relates to the roles of the Mayor, City Manager, staff and other Council 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 the Mayor**

The Mayor retains flexibility to perform the functions of the Chair of the Governing Body within the policies and regulations established by the City. Council members need to respect that role and work with the Mayor to advance the goals of the City. While the Mayor does not vote on most issues, he/she is the only official elected City-wide, and his/her comments and thoughts should be acknowledged and respected. If you have a disagreement with the Mayor, you should meet one-on-one in private to discuss and resolve the issue. If it is a matter that comes up in the course of a meeting and cannot wait, politely and respectfully voice your concern or issue. If it is something that falls within his/her authority or purview, accept the Mayor's decision.

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

Any conflicts or disagreements with other Council 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 Council members and continue respectful behavior in private.

## **Council Member Communication with Staff**

Requests for information should, in almost all cases, go to the City Manager. If it is a simple request for easily retrievable information that would not involve additional research, then you can email the Department Head directly while copying the City Manager. If you are in doubt about what staff contact is appropriate, ask the City Manager. Any request for a meeting with staff must be directed to the City Manager, unless, again, it is for the purpose of obtaining simple information. Consider the impact on staff of your requests for information. Do not solicit political support from staff. Also remember, you do not, as an individual Council member, 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 Council Members**

Staff should not contact Council 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 that 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**

<b>City Manager</b>	<b>Governing Body</b>
Keep Council 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**

<b>City Manager</b>	<b>Governing Body</b>
Hire, supervise, discipline, promote, demote and fire all City employees	Adopt personnel policies, establish positions, set wage scales and benefits

**Budget and Strategic Planning**

<b>City Manager</b>	<b>Governing Body</b>
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

City Manager	Governing Body
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

### Land Use and Planning & Code Enforcement

City Manager	Governing Body
Supervise Planning staff, who make recommendations to the Planning Commission and Governing Body on a broad range of planning issues and who implement the plans and regulations approved by the Planning Commission and Governing Body	Adopt and amend zoning code, subdivision regulations and comprehensive plan after receiving input from staff, residents, Planning Commission and others
Supervise codes administration and ensure regulations are enforced fairly and equitably	

### City Expenditures & Contracts

City Manager	Governing Body
Sign contracts; ensure supervision and enforcement of contracts; recommend a purchasing policy and, once adopted, implement the policy	Authorize execution of contracts; approve a purchasing policy; approve expenditures above \$10,000

### Relationships with Other Entities

City Manager	Governing Body
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 Council 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 in your ward, not just the few that show up for a meeting. Do what's right for the entire community!
- **The secret to successful politics is compromise!**

Part of being a public official is being subject to public scrutiny. Like it or not, 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 to disclose to the public the ownership by the officer or his or her spouse of certain personal financial interests. Refer to the League of Kansas Municipalities *Governing Body Handbook* for the specific requirements contained in Kansas statutes.

## **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, in fact, 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.

If a Governing Body member has a statutory conflict of interest on a matter before the Governing Body, before the item is presented for consideration, that person should announce the potential conflict and excuse himself/herself from the Council Chambers until the matter has been addressed by the remaining Governing Body members. If there is a question of real or perceived conflict of interest, the Council member with the potential or real conflict should contact the City Manager for an interpretation of the situation prior to the meeting.

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 statute or City code:

- Violating the Kansas Open Meetings Act (KOMA). Violation occurs when five or more Governing Body members meet in person, by telephone, via email, using social media, or by any other means of interactive communication if any participant seeks to reach agreement on a matter that would require binding action by the Council or Governing Body.
- In 2016, the City Council decided to adopt a policy of allowing three members of the Governing Body to confer outside of a public meeting, which is stricter than the state law.
- 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 Council deliberation, nor refraining from participating in discussion and/or voting on something with which you have a conflict of interest.
- Disclosing information discussed in executive session.
- Not disclosing ex parte communication when a quasi-judicial matter is before the Governing Body.
- Using your office for personal gain or profit.

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

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The media is the conduit through which most City business and goings-on reach the public. As such, the media highly influences 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 public information officer, or designee. The City Manager will act as a spokesperson in most circumstances. Occasionally, the Mayor or the appropriate department head will perform an interview. Nonetheless, every elected official should be prepared to be approached by the media.

Staff will do all the legwork in fielding calls from the media, providing them information, sending out press releases, organizing media events such as press conferences. You will be copied via email on all press releases sent out and contacted by the public information staff when it's important for you to give an interview.

## **Tips to a Great Interview:**

- Tell the truth.
- Be courteous and don't play favorites.
- Nothing is "off the record." Ever!
- Always assume that a microphone is live.
- Don't rely on, "No Comment." Try to say something, even if it's: "I'm sorry, but I cannot comment on pending legal matters."
- Never say anything you wouldn't want printed or broadcasted.
- Listen carefully to the reporter's questions.
- Pause...think...ask for more time if you need it.
- Don't repeat a reporter's negative question in your answer.
- Don't just accept the reporter's definitions. Reframe the issue accurately.
- Respond only to the question you've been asked.
- Do not speculate. It's tempting to provide an answer for the reporter, but you aren't doing him/her any favors if you end up giving well-intentioned but inaccurate information.
- Get to know your reporters. Read their columns regularly. If you see a particularly good article, sincerely compliment them the next time you see them. Mention the article by name or topic.
- 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.

- Use the “Five C’s to Interview Success.” Speak with *conviction* in a *conversational* manner while retaining your *composure*. Be *confident* and *colorful*.
- During times of crisis, citizens need to hear a calm, reassuring and well-prepared message. Do not speculate or guess about the situation. Give facts.

### **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. Also...

- ***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. Standing or sitting with arms crossed may be interpreted as a defensive sign. Instead, assume the “soldier stance” with arms at your sides and feet slightly apart; try to relax and gesture naturally.
- ***What Not To Wear***. When appearing on camera, put a little thought into your choice of wardrobe. Dress conservatively, no stripes or busy designs. Do not wear white next to the skin; it washes you out. Otherwise, wear colors that complement your skin tone, hair color, and personality. When in doubt, wear red – it shows up nicely on camera.
- ***Practicing in advance with someone close to you can put you at ease.***

## Budget Basics

The budget is one of the Council's strongest policy-making tools. Spending guidelines are a reflection of numerous policy decisions. The budget can give a new Council member a clear view of City policy on many issues.

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, Council 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 master budget document:**

- An operating budget for delivering services like police, fire, parks, public works, and administration. The operating budget enables you to set policy. When most citizens 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." Officially, the City of Derby has three: Wastewater, Stormwater, and Water. Though it's a separate entity, the El Paso Water Company functions like an enterprise fund for the City, its sole shareholder.
- A capital budget that determines which capital improvements will be bought or built during the budget year and how they will be financed. The master budget document also includes a Capital Improvement Plan (CIP), Equipment Replacement Plan and Vehicle Replacement Plan for a 5-year planning period and a Pavement Management Plan for an 8-year period.

### **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 and sales taxes by which it is supported.

## **The Legal Document**

In Kansas, budgets must be balanced – anticipated revenues must equal forecasted expenditures. Unexpected revenues can be appropriated by a supplemental budget modification or can be allocated to reserve funds or to the following year’s beginning balance. Expenditures which exceed revenues can be made only by the Council transferring funds from reserve accounts (subject to Council approval) or by issuing interest-bearing warrants.

## **Budgeting Method**

Derby uses a line-item or incremental budget. The budget is prepared by adjusting expenses based on current expenditure levels. It shows how much money will be spent on every element of expense, or line item, in every department.

## **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 Council. The City Manager, Finance Director, and Budget Analyst meet one-on-one with each department to scrutinize their proposed budgets and CIP requests, adjusting them as necessary. In June, a workshop is 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. In August, a public hearing is held, and the City Council formally 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 at its annual planning retreat and in several council 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 Council workshops and actions taken at Council meetings provides guidance to the staff for preparing the budget.

- **Estimating Expenditures**

Departments prepare estimates based upon 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**

The City Manager and Finance Department 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 revenues, asking “What are the factors affecting future revenue flows, and what is the estimated level of revenues for the upcoming budget period?” Once these questions are answered and reviewed by the City Manager, revenue estimates are established and used in the preliminary budget.

- **Adopting the Budget**

The City Manager presents the budget to the Council and the public for review and adoption. If approved, the budget is adopted by motion. 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.

- **Implementing the Budget**

The City Manager implements the budget adopted by the Council, and the Finance Director provides the Council 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 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 also makes 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.

# Suggested Leadership Reading List **16**

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The following books may be of use as you assume your new role as an elected leader. The publications noted by an asterisk are ready for check-out in the Derby Public Library; the rest are available through inter-library loan.

- For the Common Good: Redefining Civic Leadership, by David D. Chrislip & Ed O'Malley, 2013
- The 8<sup>th</sup> Habit, by Stephen R. Covey, 2004\*
- Immunity to Change: How to Overcome It & Unlock the Potential in Yourself & Your Organization, by Robert Kegan & Lisa Laskow Lahey, 2009
- Insanely Simple: The Obsession that Drives Apple's Success, by Ken Segall, 2013
- Good To Great, by Jim Collins, 2001\*
- Developing the Leader Within You, John Maxwell, 2005
- Drive: The Surprising Truth about What Motivates Us, Daniel H. Pink, 2009\*

Best of luck in this new adventure!

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# Definitions

**Administrative.** Pertaining to management and carrying out of laws and functions, as opposed to legislative and judicial.

**Allocation of Funds.** To set aside funds for a specific purpose or program.

**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.

**Appropriation.** A sum of money authorized by a legislative body to be spent for a certain purpose.

**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 or years. A capital budget is a plan for financing purchases or construction of items of high cost and long life, such as fire engines, streets, and buildings.

**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, such assets acquired through the general fund should be reflected in the general fixed assets group of accounts.

# Appendix A

**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 building, equipment, machinery, motor vehicles or other capital assets.

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

**Community Marketing.** Joint function of the City, school district, Derby Public Library, Derby Community Foundation, Derby Chamber of Commerce and Derby Recreation Commission for the purpose of marketing the Derby community in a cohesive and professional manner.

**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.

**Council.** The governing body of a city which sets legislative policy for the city.

**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 a formal 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.

**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, and other purposes. The fee title to land in the easement area remains tied to the adjacent land, and easement rights are relinquished when the public or quasi-public use ceases.

**Effluent.** The water discharged from a sewage treatment device.

**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, stormwater 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.** 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 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 some special fund.

**General Obligation Bond.** A financial instrument giving borrowing power to a municipality, based upon 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.

**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.

**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.** The power to judge, to administer justice and interpret laws and ordinances.

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

**Mayor.** The Mayor presides over City Council meetings, serves as spokesperson for the community, facilitates communication and understanding between elected officials, assists the City Council in setting goals and policies, nominates persons to serve on boards and committees and then appoints them after Council approval, and serves as an ambassador and defender of the community. The Mayor also makes proclamations and serves as a key representative in inter-governmental relations. The Mayor is the only Governing Body member elected at-large.

**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 Use.** A use, whether of land or of structure, not complying with the applicable use provisions in a zoning ordinance or amendment.

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

**Non-Residential Planned Unit Development (NRPUD) District.** A special purpose baseline-zoning district intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments. Approved through a review process held at a public hearing of the planning commission. Review process may include conditions to allow greater flexibility of design through deviations from certain zoning district regulations that would otherwise apply. Conditions must not be contrary to the public interest and must maintain the original spirit and intent of the zoning ordinance.

**Official.** A person who occupies a municipal legislative, judicial, administrative, executive or enforcement position.

**Ordinance.** A law or statute enacted by a city or county. See Resolution.

**Personnel System.** A method of recruiting, selecting and promoting people to perform the work of a municipal organization and the method of classifying and assigning a pay scale to their jobs together with related personnel activities concerning hours of work, training, grievance procedures, and union relationships.

**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.** A process of deciding what is to be done and how it is to be accomplished; the process of deciding how land should be used and where public facilities should be located.

**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 easements, setbacks, and utilities.

**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.

**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; however, the rule or formal requirement may only be used to carry out the purpose of the law under which it is 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.

**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.

**Revisions.** Written or added changes, corrections or improvements to a plan, specification or drawing.

**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 sidewalks and sidewalks.

**Soil Percolation Test.** A field test conducted to determine the absorption capacity of soil to a specific depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

**Special Assessment Bond Funds.** Similar to general obligation bond funds, however, the cost of public improvements provided by the bond proceeds is assessed against owners of properties benefited by the improvements.

**Special Revenue Funds.** These funds are established to account for revenues specifically raised for a particular purpose. A special revenue fund is usually created for each purpose (aquatic park sales tax fund).

**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.

**Temporary Funds.** Created to accommodate a specific need that may arise. Must include a system of complete accountability and be closed promptly upon completion of its purpose. Remaining assets should be distributed in accordance with the intentions of the elected officials as set forth at the time the fund was created.

**Variance.** The permission granted by a city council 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 maintain the spirit and original intent of the ordinance.

**Welcome Center.** The Derby Welcome Center is the community's front door where

visitors, newcomers, residents, and businesses are greeted and provided with information about schools and the community. The Welcome Center opened in January 2011 and is located between City Hall and Senior Services.

**Workshop.** Informal work sessions of the City Council are useful when major policy questions must be discussed or when a complicated issue is to come before the council. 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, in accordance with a comprehensive plan and for the purposes set out in the enabling statute.

# Local Government Acronyms

# Appendix B

<b>ACE</b>	Artistic, Cultural and Entertainment Grant
<b>ADA</b>	Americans with Disabilities Act
<b>ALS</b>	Advanced Life-Support System
<b>BOCC</b>	Board of County Commissioners
<b>BZA</b>	Board of Zoning Appeals
<b>CAFR</b>	Comprehensive Annual Financial Report
<b>CDBG</b>	Community Development Block Grant
<b>CID</b>	Community Improvement District
<b>CIP</b>	Capital Improvement Plan
<b>CMD</b>	Community Marketing Director
<b>CPI</b>	Consumer Price Index
<b>DRC</b>	Derby Recreation Commission
<b>EMS</b>	Emergency Medical Service
<b>EPA</b>	U.S. Environmental Protection Agency
<b>FLSA</b>	Fair Labor Standards Act (federal law)
<b>FMLA</b>	Family and Medical Leave Act (state and federal law)
<b>GIS</b>	Geographic Information System
<b>GPS</b>	Global Positioning System
<b>GO</b>	General Obligation (bonds)
<b>IBC</b>	International Building Code
<b>ICMA</b>	International City/County Management Association
<b>IFC</b>	International Fire 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>MAPD</b>	Metropolitan Area Planning Department
<b>MAPC</b>	Metropolitan Area Planning Commission
<b>MSA</b>	Metropolitan Statistical Area
<b>NIMS</b>	National Incident Management System
<b>NLC</b>	National League of Cities
<b>ORAB</b>	Ordinance Review Advisory Board
<b>OSHA</b>	U.S. Occupational Safety and Health Administration
<b>PUF</b>	Parks and Urban Forestry Board
<b>REAP</b>	Regional Economic Area Partnership
<b>RFP</b>	Request for Proposals
<b>RFQ</b>	Request for Qualifications
<b>ROW</b>	Right-of-Way
<b>SCAC</b>	Sedgwick County Association of Cities
<b>STAR</b>	Sales Tax and Revenue bonds
<b>TIF</b>	Tax Increment Financing
<b>WAMPO</b>	Wichita Area Metropolitan Planning Organization
<b>WWTP</b>	Wastewater Treatment Plant

# **Advisory Boards and Commissions**

## **Appendix C**

### **ADA Advisory Board**

The ADA Advisory Board was established to receive input from the public as the City of Derby updated its self-evaluation plan and developed an ADA Transition Plan to achieve compliance with the Americans with Disabilities Act.

The Board generally meets quarterly to monitor implementation of the ADA Transition Plan.

The establishing ordinance requires that at least three of the six members have a disability; have a spouse, child or parent with a disability; or represent an organization or group that provides services to the disabled.

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### **Construction Trades Board**

The Construction Trades Board acts as an arbitrator between the Building Official and aggrieved parties. The Board also serves as a recommending body for code adoption to the City Council. The Board consists of seven members, each appointed to a three-year term. The Board meets on an "as needed" basis at City Hall.

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### **Derby Recreation Commission**

The Derby Recreation Commission is an autonomous organization governed by a five-person board. The board makes policy and supervises the Superintendent of Recreation. The Superintendent performs day-to-day management of the Derby Recreation Center, Oaklawn Activity Center, organized sports leagues and tournaments, community wellness, and Rock River Rapids aquatic park operations (under contract with the City).

DRC board members serve staggered four-year terms beginning in September. Two members are appointed by the Derby City Council, two members by the USD 260 Board of Education, and one appointed by those four members as a member at-large.

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## **Community Development Advisory Board**

The Community Development Advisory Board monitors the city's economic development plan, recommends to the City Council the financial incentives for development projects, proposes economic development policy updates, advocates for programs to enhance the city's economy, and makes recommendations to the City Council about proposed ordinances of general applicability.

The Board consists of five members, each serving a two-year term, appointed by the Mayor with consent of the City Council, plus one member designated by the Derby Chamber of Commerce.

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## **Library Board**

The Derby 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 seven members, each appointed to a staggered four-year term by the Mayor, with the consent of the City Council. Each member may serve a total of two four-year terms. The Mayor serves as an *ex officio* member of the Board.

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## **Parks & Urban Forestry Board**

The Parks & Urban Forestry Board is an advisory board to the City Council and to the Parks Division of Public Works. Its purpose is to provide support, ideas, educational and environmental programs and events to engage the citizens of Derby in our park system. The board's goal is to provide great recreational facilities and green spaces for our active community.

The board also acts as the tree board as it deals with urban forestry issues and provides an annual guide to tree planting for Derby residents. The Board is made up of seven members, each serving two-year terms.

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## **Planning Commission**

The Planning Commission annually reviews the Comprehensive Plan; prepares, adopts and maintains the Zoning Regulations and Subdivision Regulations; holds hearings on uses, zone changes and vacation requests; reviews and approves plats and commercial site plans; and makes recommendations to the City Council to approve or disapprove requests brought before them.

The Commission consists of 10 members serving staggered three-year terms. Two members must reside outside the City but within the designated planning area of the City, which is within at least three miles of the corporate city limits.

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### **Senior Services Advisory Board**

The mission of this board is to make recommendations to the City Council with respect to the social, health, educational, nutritional, physical, recreational, and intellectual well-being of the senior citizens of the City of Derby. This Board is composed of seven members, each appointed by the mayor with the consent of the city council, to two-year terms.

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### **Zoning Appeals Board**

The Board of Zoning Appeals has jurisdiction and authority over appeals, variances, exception requests and related matters. Members cannot hold any other public office within the City; however, members of the Planning Commission may serve on the Board. The Board has five members who serve staggered three-year terms. The Board meets on a case-by-case basis.