

CHAPTER I. ADMINISTRATION

Article 1.	General Provisions
Article 2.	Governing Body
Article 3.	City Manager
Article 4.	Officers and Employees
Article 4A.	Office of the City Auditor
Article 5.	Investment and Deposit of City Funds
Article 6.	Employee Benefits
Article 7.	Worker's Compensation Trust Fund
Article 8.	City Sales Tax
Article 8A.	Franchise Fee
Article 9.	Public Records
Article 10.	Sister Cities Advisory Board
Article 11.	Community Development Advisory Committee
Article 12.	Sales Tax Audit Committee
Article 13.	Lawrence Advisory Board on University Student Issues
Article 14.	Social Service Funding Advisory Board
Article 15.	Lawrence Cultural Arts Commission
Article 16.	Downtown Parking Advisory Board
Article 17.	Local Purchasing Preference Policy
Article 18.	Housing Trust Fund - Housing Trust Fund Board
Article 19.	Sustainability Advisory Board
Article 20.	Economic Development Board
Article 21.	Economic Development Incentives and Tax Abatement Policy
Article 22.	ECO2 Commission
Article 23.	Reserved
Article 24.	Community Commission on Homelessness
Article 25.	Lawrence Citizen Advisory Board

ARTICLE 1. GENERAL PROVISIONS

1-101

CODE DESIGNATED.

The chapters, articles and sections herein shall constitute and may be designated as the "Code of the City of Lawrence, Kansas," or the "Lawrence City Code," and may be so cited. (Code 1981)

1-102

DEFINITIONS.

The following definitions and rules of construction shall be observed in the construction of this Code and of all ordinances unless they are inconsistent with the manifest intent of the Governing Body if the context clearly requires otherwise:

- (A) **City** shall mean the City of Lawrence, in Douglas County, Kansas.
- (B) **Computation of Time** shall mean the time within which an act is to be done and shall be computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall be excluded.
- (C) **County** means the County of Douglas, Kansas.
- (D) **Delegation of Authority**, whenever a provision appears requiring or

authorizing the head of a department or other officer of the City to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

- (E) **Gender**. words importing the masculine gender include the feminine and neuter.
- (F) **Governing Body** means the City Commission of Lawrence, Kansas.
- (G) **In the City** means and includes any territory within the corporate limits of the City of Lawrence, Kansas, and the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the City by law, except as otherwise specified.
- (H) **Joint Authority**. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- (I) **Number**. Words used in the singular include the plural and words used in the plural include the singular.
- (J) **Oath** includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed."
- (K) **Owner** applied to a building or land, shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land.
- (L) **Person** includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.
- (M) **Property** includes real, personal and mixed property.
- (N) **Real property** includes land, tenements and hereditaments.
- (O) **Shall** and **Will** are mandatory.
- (P) **Sidewalk** means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- (Q) **Street** means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the City.
- (R) **Tenant or Occupant** applied to a building or land, means any person who occupies the whole or part of such building or land, whether alone or with others. (Code 1981)

1-103

PARENTHETICAL AND REFERENCE MATTER.

The matter in parenthesis at the ends of sections is for information and reference only and is not a part of the Code (Code 1981). Citations to ordinances include only the source and the text may or may not be changed by this Code. This Code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015.

- 1-104 **CATCH LINES OF SECTIONS.**
 The CATCH LINES or headings of the sections of this Code are intended as mere words to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of any section nor, unless expressly so provided, shall they be so deemed when any section, including its catch line, is amended or reenacted. (Code 1981)
- 1-105 **AMENDMENTS; REPEAL.**
 Any portion of this Code may be amended by specific reference to the section number as follows: "That Section 1-105 of the Code of the City of Lawrence is hereby amended to read as follows: (the new provisions shall then be set out in full)."

 A new section not heretofore existing in the Code may be added as follows: "That the Code of the City of Lawrence is hereby amended by adding a section (or article or chapter) which reads as follows... (the new provision shall be set out in full)." All sections, or articles or chapters to be repealed shall be repealed by specific reference as follows: "Section (or article or chapter) 1-105 of the Code of the City of Lawrence is hereby repealed." (K.S.A. 12-3004; Code 1981)
- 1-106 **POWERS GENERALLY.**
 All powers exercised by cities of the first class, or which shall hereafter be conferred upon them shall be exercised by the Governing Body, subject to such limitations as are prescribed by law. (Code 1981)
- 1-107 **ORDINANCES.**
 The Governing Body shall have the care, management and control of the City and its finances and shall pass all ordinances needed for the welfare of the City. No ordinance shall be valid unless a majority of all the members elected to the Commission vote in favor. (K.S.A. 12-3002)
- 1-108 **MEETINGS.**
- (A) Regular meetings of the Governing Body shall be held on Tuesday of each week. Meetings will be held at 6:35 p.m. in the City Commission room in City Hall. When such meeting day shall be on a legal holiday (or any other day observed as a holiday by the City) or the day before Christmas, the Governing Body may fix the succeeding day not observed as a holiday as a regular meeting day.
 - (B) Special meetings of the Commission may be called by the Mayor or any two Commissioners. When any special meeting of the Commission is called, the object thereof shall be submitted to the Commission in writing, and the call and the object, as well as any action taken thereon, shall be entered upon the journal by the Clerk and no other business shall be transacted except that mentioned in the call. A written notice of any such special meeting shall be served personally upon each Commissioner or left at his or her usual place of residence at least two hours before the time of such meeting. (K.S.A. 13-2008; Code 1979, 1-105; Ordinance 6005)
- 1-109 **CITY RECORDS.**
 The City Clerk or any other officer or employee having custody of City records and documents shall maintain such records and documents in accordance with K.S.A. 12-120 to 12-121 inclusive, which is incorporated by reference herein as if set out in full. (K.S.A. 12-120:121; Code 1981)

- 1-110 **ALTERING CODE.**
It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Lawrence to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this Code authorized by ordinance adopted by the Governing Body. (Code 1981)
- 1-111 **SCOPE OF APPLICATION.**
Any person convicted of doing any of the acts or things prohibited or made unlawful or the failing to do any of the things commanded to be done, as specified and set forth in this Code, shall be deemed guilty of a misdemeanor and punished in accordance with Section 1-112. Each day any violation of this Code continues shall constitute a separate offense. (Code 1981)
- 1-112 **GENERAL PENALTY.**
Whenever any offense is declared by any provision of this Code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section. (Ord. 7259)
- (A) A fine of not less than \$1 or more than \$1,000; or
- (B) Imprisonment in the city jail for not more than 180 days; or
- (C) Both such fine and imprisonment not to exceed (A) and (B) above. (Code 1981)
- 1-113 **Reserved.** (Repealed by Ord. 8051)
- 1-114 **SEVERABILITY.**
If for any reason any chapter, article, section, subsection, sentence, clause or phrase of this Code or the application thereof to any person or circumstance is declared to be unconstitutional or invalid or unenforceable such decision shall not affect the validity of the remaining portions of this Code. (Code 1981)
- 1-115 **REPEALING ORDINANCES.**
The repeal of a repealing ordinance does not revive the ordinance originally repealed. The repeal of an ordinance, the adoption of an ordinance containing a repeal of an ordinance, or the adoption of a codification of the general ordinances of the City including the repeal of such general ordinances, does not impair or affect the validity of a pending action, proceeding or prosecution under the repealed ordinance, unless the content of the surviving ordinance clearly indicates such affect. The repeal of an ordinance as part of the codification of the ordinance shall not be interpreted as a repeal of the findings or recitals of the ordinance unless such findings or recitals are explicitly repealed therein.
- Article I. ARTICLE 2. GOVERNING BODY**
- 1-201 **GOVERNING BODY; VACANCIES; SALARIES.**
The Governing Body of the City of Lawrence shall consist of five (5) Commissioners. Terms of the Commissioners shall be as provided by law. Vacancies on the Commission shall be filled by the election of a successor by a majority vote of the remaining Commissioners, except that in the case of a tie vote, the City Attorney shall cast the deciding vote. No distinction shall be made in the titles and duties among the Commissioners except as the Commission shall organize itself for business. As provided by Charter Ordinance No. 15, the salary of City Commissioners shall be established by ordinary ordinance. Commissioners shall

receive an annual salary of \$9,000.00 and the commissioner serving as Mayor shall receive an annual salary of \$10,000.00. (K.S.A. 12-1005e; 13-1806; Code 1979, 1-101; Ord. 6217; Ord. 7071)

- 1-201.1 **GOVERNING BODY: ELIGIBILITY AND QUALIFICATIONS.**
The Mayor and each member of the Governing Body shall be a citizen of the United States, shall be at least eighteen (18) years of age and a qualified elector of the City of Lawrence, Kansas and must reside in the City limits at the time of filing for election and thereafter for the duration of their term(s). (Ord. 8337)
- 1-202 **SAME; MAYOR.**
The Commission shall choose its own Chairperson annually and determine its own order of business. The Chairperson shall have the title of Mayor during the term of his or her office. The Mayor shall vote as a Commissioner, shall execute formal agreements requiring the signature of the Mayor, but shall have no administrative duties. (K.S.A. 12-1007; Code 1979, 1-102)
- 1-203 **SAME; VICE MAYOR.**
The Commission shall annually choose a Vice Mayor. The Vice Chairperson shall have the title of Acting Mayor, and in the absence of the Mayor from any meeting of the Commission, the Acting Mayor shall preside. In the absence of the Mayor from the City or his or her inability to perform any of the duties imposed upon the mayor's office, the Acting Mayor shall exercise the duties of the office of mayor. (K.S.A. 13-1806; Code 1979, 1-103)
- 1-204 **SAME; QUORUM; CONDUCT OF MEETINGS.**
All regular and special meetings shall be open to the public. Three (3) commissioners shall constitute a quorum for the transaction of business. No ordinance shall be passed except by the affirmative vote of a majority of the members-elect of the Governing Body. (Ord. 8603)
- 1-205 **SAME; MANAGER.**
The Commission shall provide for such offices as shall be necessary to carry out the provisions of the law and determine salaries for the same. It shall appoint a Manager as hereinafter provided and shall be responsible for his or her efficient administration of the City's business. (K.S.A. 12-1011; Code 1979, 1-107)
- 1-206 **SAME; ADMINISTRATIVE DEPARTMENTS.**
Administrative departments shall be created by the Commission as the public business may demand and as provided by state statutes. (K.S.A. 12-1015; Code 1979, 1-108)
- 1-207 **SAME; BOARDS AND COMMISSIONS.**
Whenever authorized to do so by state law or the ordinances of the City, the Commission shall appoint members of various City Boards and Commissions. (Code 1979, 1-109)
- 1-208 **BONDS OF COMMISSIONERS.**
Each City Commissioner shall, before entering upon the duties of his or her office, give a good and sufficient surety bond, payable to and for the use and benefit of the City. Such bond shall be in the sum of \$10,000, conditioned for the faithful discharge of duties and that he or she will save the City harmless from all loss caused by neglect of duty or misfeasance in office, or for the willful expenditures of any moneys of the City in violation of the law. Said bond, before being accepted, shall be approved by the District Judge of Douglas County. The cost of such surety bond shall be borne by the City. (Code 1979, 1-502)

ARTICLE 3. CITY MANAGER

1-301

APPOINTMENT AND TERM.

The administration of the City's business shall be in the hands of the Manager, who shall be appointed by the Commission and shall hold office at the pleasure of the Commission. (K.S.A. 12-1011; Code 1979, 1-201)

1-302

QUALIFICATIONS OF MANAGER.

The Manager shall be chosen solely on the basis of administrative ability. Choice shall not be limited by any residency requirements. (K.S.A. 12-1025; Code 1979, 1-202)

1-303

DUTIES AND FUNCTIONS OF MANAGER; APPOINTMENTS.

The Manager shall be responsible for the administration of all the affairs of the City. He or she shall see that all laws and ordinances are enforced. He or she shall appoint and remove all heads of departments and all subordinate officers and employees of the City. All appointments shall be made upon merit and fitness alone. The Manager shall be responsible for the discipline of all appointive officers, and may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. He or she shall prepare and submit the annual budget to the Commission and keep the Commission fully advised as to the financial conditions and needs of the City. He or she shall make recommendations to the Commission on all matters concerning the welfare of the City, and shall have a seat, but no vote, in all of the public meetings of the Commission. No member of the Commission shall directly interfere with the conduct of any department except at the expressed direction of the Commission. (K.S.A. 12-1014; Code 1979, 1-203)

1-304

BIDDING REQUIREMENTS.

As provided by Charter Ordinance 19 and other applicable law, in all cases where the estimated cost of the contemplated public improvement amounts to more than \$15,000.00, sealed proposals for the improvement, unless waived by the Governing Body, shall be invited by advertisement and published by the City Clerk once in the official City newspaper. (Ord. 6218, Ord. 7350)

1-305

CERTAIN POWERS OF THE CITY MANAGER CONCERNING PROPERTY OWNED OR LEASED BY THE CITY OF LAWRENCE.

- (A) The City Manager shall have the authority to designate any building or property owned by the City of Lawrence, and any building or property open to the public and operated as business premises by the City of Lawrence, as property where the carrying of a concealed handgun under the provisions of the Kansas Personal and Family Protection Act, and amendments thereto, is restricted or prohibited. (Ord. 8048)
- (B) Upon such designation, the City Manager shall cause the premises to be posted in accordance with the rules and regulations of the Kansas Attorney General that are adopted under the authority of the Kansas Personal and Family Protection Act. A list of the designated and posted buildings and properties shall be maintained and shall be open to public inspection during regular business hours. (Ord. 8048)
- (C) The City Manager and the City Manager's designees are granted the authority, with good and lawful cause, to order any individual not to enter, to leave, or not to return to any property owned by the City of Lawrence. (Ord. 8048)

- (D) The powers in this section are not an exclusive enumeration of the powers of the City Manager and are not meant in any way to impair the City Manager's ability to exercise the other powers that he or she possesses. (Ord. 8048)

ARTICLE 4. OFFICERS AND EMPLOYEES

1-401

ORGANIZATION.

The affairs of the City shall be administered by the officers and employees of such administrative divisions as may be established by the Manager. The Commission shall annually review the administrative organization of the City and approve or disapprove such divisions and staff positions (K.S.A. 12-1015; Code 1979, 1-301)

1-402

OFFICERS AND EMPLOYEES; APPOINTMENT.

All officers and employees shall be appointed by the City Manager, except as otherwise provided by state law or other City ordinances. The City Manager is authorized to act as, and to perform the duties of any office for which he or she is qualified; and may appoint one person to perform the duties of more than one officer or employee provided their duties are not incompatible and the same is not prohibited by law or by other ordinances. (K.S.A. 12-1014; Code 1979,1-302)

1-403

CLASSIFIED SERVICE.

The classified service of the City shall include all positions in the City service except elected officials, persons serving the City as independent contractors, persons retained by the City as consultants, part-time employees of part-time boards and commissions, the City Attorney and assistants, the Municipal Judge and the City Manager. (Code 1979, 1-303)

1-404

QUALIFICATIONS.

Qualifications for appointment to a position in the classified service and duties assigned to any such position shall be in accordance with rules and regulations prescribed by the Commission. (Code 1979,1-304)

1-405

RESIDENCY REQUIREMENTS FOR CERTAIN CITY EMPLOYEES.

- (A) The following City employees are hereby required to establish and maintain a permanent residence within the incorporated boundaries of the City of Lawrence, Kansas for the positions of: City Manager, Assistant City Manager and all department directors, including, but not limited to the following positions: Assistant City Manager - Administrative Services, Assistant City Manger - Community Development Services, Chief of Police, Director of Public Works, Director of Administrative Services/City Clerk, Fire & Medical Chief, Director of Neighborhood Resources, Director of Finance/City Treasurer, Director of Human Relations/Human Resources, Director of Information Services, Director of Parks and Recreation, Director of Planning, and Director of Utilities.
- (B) Employees as described in subsection (A) of this section who are not already residents of the City of Lawrence at the inception of their employment with the City shall have a period of six (6) months after such employment begins within which to establish residence within the City, after the end of such six (6) months period their exemption from the requirements of this Section shall terminate.
- (C) Violation of any of the provisions of this Section shall result in discharge from employment with the City. (Ord. 6267)

1-406

OATH.

All officers and employees of the City, whether elected or appointed, either under the laws of the state or ordinances of the City, shall before entering upon the duties of their respective office, take and subscribe an oath or affirmation as follows: "I do affirm that I will support the constitution of the United States and the constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter the name of office), for the City of Lawrence, Kansas during the term for which I was appointed." (Code 1979,1-401)

1-407

BONDS; APPOINTED OFFICERS.

The Manager and such other officers as the Commission may require shall each, before entering upon the duties of their respective offices give a good and sufficient surety company bond to the City, approved by the Commission, in the amount specified herein or as shall be required by the Commission conditioned upon the officer's faithful performance and faithful discharge of his or her respective duties. The cost of such surety bonds shall be borne by the City. Bonds for the following officers shall be in the following amounts: Manager - \$15,000; City Clerk - \$15,000; Treasurer - \$50,000; Municipal Judge - \$1,000; and Engineer - \$5,000. (Code 1979, 1-501)

ARTICLE 4A. OFFICE OF THE CITY AUDITOR

1-4A01

OFFICE OF CITY AUDITOR.

(A) There is hereby established the office of City Auditor, hereinafter "Auditor". The position shall be appointed by and report to the City Commission and shall examine and evaluate the activities of the City to assist City Commission members in the effective discharge of their duties. The Auditor shall be selected on the basis of experience and education suitable to the professional performance of internal municipal audits, including but not limited to audits of: the efficiency and effectiveness of City programs and services; City compliance with all applicable laws, regulations and requirements for the expenditure of public funds and the exercise of City authority pursuant to law; City compliance with internal controls and policies; and City compliance with generally accepted municipal standards for the performance of municipal services and programs. The Auditor shall not have any responsibility for the preparation of the annual audit of City finances, referred to as Comprehensive Annual Financial Report (CAFR). (Ord. 8060)

(B) All officers and employees of the City shall furnish the auditor with unrestricted access to employees, information and records (including automated data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the auditor to inspect all property, equipment and facilities within their custody. Audits shall be conducted in accordance with the *Standards for the Professional Practice of Internal Auditing* published by The Institute of Internal Auditors, Inc., or when required by law, regulation, agreement, contract, or policy, in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States, or other applicable professional standards such as the International Organization of Supreme Audit Organizations (INTOSAI). All audit reports issued by the auditor shall include a statement that the audit was conducted pursuant to the appropriate standards or state why

standards were not followed. (Ord. 8060)

- (C) The Auditor shall coordinate with the City Manager in creating an annual work program. The Auditor shall annually present the proposed work program of planned major audits and planned special projects to the City Commission. The City Commission may amend or alter the proposed work program as it determines appropriate. The Auditor may be directed to perform additional audits as resources allow. (Ord. 8060)
- (D) Prior to public disclosure of an audit, a final draft of each audit report will be forwarded to the official responsible for the audited project or program and the City Manager for review and comment regarding factual content of the report. The responsible official and/or City Manager must respond in writing specifying agreement or disagreement with audit finding and recommendations, reasons for disagreement with findings and/or recommendations, plans for implementing solutions to issues identified, and a timetable to complete such activities. The response must be received by the Auditor within five (5) working days. The final audit report will include the views of the responsible official of the audited programs concerning the Auditor's finding, conclusions and recommendations, as well as planned corrective actions. If the responsible official does not respond within the specified timeframe, the Auditor will note that fact in the audit report. (Ord. 8060)
- (E) All final audits prepared by the Auditor shall be received by the City Commission during a regular meeting of the City Commission. All final audits shall be public records pursuant to the Kansas Open Records Act and shall be posted on the City's website. No later than six months after an audit is issued, the auditor shall follow-up on reported findings to determine that corrective action was taken and is achieving the desired results. The auditor shall inform the City Manager and the City Commission of the status of corrective actions taken by management responsible for supervision of the program activity, function, or organizational unit audited. (Ord. 8060)

ARTICLE 5. INVESTMENT AND DEPOSIT OF CITY FUNDS

1-501

DEMAND DEPOSITS.

All funds and money of the City required for current operations shall be placed in demand deposits by the City Treasurer in the official city depository. (Code 1979, 1-601)

1-502

INVESTMENT OF TEMPORARILY IDLE FUNDS; AUTHORITY.

Temporarily idle funds not currently needed for expenditures, may be invested in accordance with the procedure hereafter prescribed:

- (A) In direct obligations of the United States government, which mature or are redeemable within twelve (12) months from date of purchase, the principal and interest whereof are guaranteed by the government of the United States; or
- (B) In the temporary notes of the City, issued pursuant to K.S.A. 10-123. The provisions of this Article shall not apply to any funds of the City, the investment of which is expressly authorized or limited or prohibited by statutes of the State of Kansas. (Code 1979, 1-602)

1-503

INVESTMENT OF TEMPORARILY IDLE FUNDS; RECORDS; RESTRICTIONS.

The Manager shall submit to the Commission a quarterly report of the City's investment program. This report shall contain information regarding the amount of money invested, the maturity date of the investment and the annual rate of interest of each security. The Manager shall provide an investment program which shall limit the amounts invested and schedule the maturities of investments so that at all times the City will have sufficient funds available in demand deposits in its depository banks to assure prompt payment of obligations. (Code 1979, 1-603)

1-504

CUSTODY AND SAFEKEEPING.

Securities purchased pursuant to this Article shall be under the joint care of the City Clerk, City Treasurer and City Manager and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officers in a safety deposit box of the City in a bank or trust company, and shall be held in the name of the City and their redemption, transfer or withdrawal shall be permitted only upon the written instruct of at least two such City officers. (Code 1979, 1-604)

1-505

EARNINGS.

The interest or earnings of investments made pursuant to this Article shall be credited pro rata to the fund or funds of the City from which the investments were made. (Code 1979, 1-605)

1-506

SALE OR TRANSFER.

If, in order to maintain sufficient moneys on demand deposit in any fund as provided above, it becomes necessary to transfer or sell any securities of such funds, any two (2) or more of the officers so authorized may transfer said securities to any other fund or funds in which there are temporarily idle moneys, or shall sell such securities and for such purpose they shall have authority to make any necessary written directions, endorsements or assignments for and on behalf of the City. Any such transfer or sales shall be reported in writing to the Commission at its next regular meeting. (Code 1979, 1-606)

ARTICLE 6. EMPLOYEE BENEFITS

1-601

EMPLOYEES RETIREMENT; RESOLUTION.

Resolution passed by the Governing Body and published on May 23, 1961, to which resolution extends the benefits of the Kansas Public Employees Retirement System to the City of Lawrence, is incorporated by reference herein and made a part thereof as if the same had been set out in full therein. (Code 1979, 1-701)

1-602

EMPLOYEE BENEFITS FUND.

The City of Lawrence, in accordance with the provisions of K.S.A. 12-16, 102, as amended, does hereby establish an employee benefits contribution fund for the purpose of paying the City's share of employee benefits prescribed by Section 1-603.

1-603

SAME, PURPOSE.

The cost of employee benefits authorized for payment from the fund created by 1-602 shall include the following: Employer contributions for social security, workers compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pension programs.

ARTICLE 7. WORKERS COMPENSATION TRUST FUND

1-701

FUND ESTABLISHED.

For the purpose of providing for the payment of compensation of claims arising on or after January 1, 1979, and all other amounts required to be paid by the City of

Lawrence as a self-funded employer under the Worker's Compensation Law of this state (K.S.A. 44-532) as amended, there is hereby established the City Worker's Compensation Fund in the Finance Department. (Code 1979, 1-901)

1-702

LIABILITY.

The City of Lawrence Worker's Compensation Fund shall be liable to pay:

- (A) All compensation for claims arising on and after January 1, 1979, and all other amounts required to be paid by the City of Lawrence as a self-funded employer under the Worker's Compensation Law of this state as amended.
- (B) The amount that the City of Lawrence is liable to pay the "carrier's share of expense" of the administration of the office of the Worker's Compensation Director as provided in K.S.A. 74-712 to 74-719, inclusive.
- (C) The cost of administering and directing the City of Lawrence Worker's Compensation Self-Funded Program including the defense of such fund and any costs assessed to such fund in any proceeding to which it is a party, and also including but not limited to: attorney's fees; accounting fees; excess insurance fees; servicing fees; legal expenses; accounting expenses; and any and all other administrative costs necessary for the operation of the City of Lawrence Worker's Compensation Self-Funded Program. (Code 1979, 1-902)

1-703

EMPLOYEES COVERED.

To this end and for the purpose of this Article, all City departments and agencies are hereby deemed to be a single employer whose liability specified in this article is hereby imposed solely upon the City of Lawrence Worker's Compensation Self-Funded Program and such employer is hereby declared to be a fully authorized and qualified self-funded under K.S.A. 44-532, and any amendments thereto and such employer shall be required to make any and all reports required thereunder. (Code 1979, 1-903)

1-704

ADMINISTRATION.

The administrator of the City of Lawrence Worker's Compensation Self-Funded Program shall be the Risk Manager/Safety Officer and operated as the Risk Management Function under the Administrative Services Director. The Risk Management Function shall administer the City's Worker's Compensation Self-Funded Program and all payments from such fund shall be upon warrant checks of the City of Lawrence issued pursuant to vouchers approved by the Director of Finance. Risk Management shall remit all monies to the Director of Finance. Upon receipt of any such remittance, the City Treasurer shall deposit the entire amount thereof in the City treasury to the credit of the City Worker's Compensation Fund. (Code 1979, 1-904)

1-705

COSTS ASSESSED.

The rate of self-funded assessment for all City departments and agencies shall be set by the City Manager, but such rates shall conform with the Kansas worker's compensation statutes and amendments thereto and any rules or regulations promulgated pursuant to authority established thereunder, and such rates shall further be sufficient to provide a balance in the City Worker's Compensation Fund sufficient to pay any and all claims reasonably expected to be brought thereunder, and all administrative costs, which balances shall include an initial fund amount of \$297,000 for the fiscal year commencing January 1, 1979, and which rates shall be sufficient to increase such fund balance equal to \$1,000,000 is attained. Such amount may be raised by levy of taxation pursuant to the authority of K.S.A. 44-505c, and amendments thereto.

- 1-706 **SAME; ANNUAL RATE.**
For the fiscal year January 1, 1979, and each January 1 thereafter, Risk Management shall determine annually the suggested rate of self-fund assessment for all City departments and agencies employing personnel subject to the worker's compensation law, based upon the accidental injury and occupational disease experience of all such City departments and agencies and the liability of the City Worker's Compensation Fund as provided in Section 1-701 and shall recommend such rate to the City Manager for approval on or before July 1, 1978 and each July 1 thereafter, for the succeeding fiscal year. (Code 1979, 1-906)
- 1-707 **SAME; LIMITATIONS.**
The insurance rate for each City Department and/or agencies shall be expressed by worker's compensation code, overall City retrospective rating and departmental loss conversion factor (debit or credit). In the event of a death or other catastrophe, the overall retrospective rating plus the departmental excess shall be spread over a three year period. Departmental excess will not exceed 1.75 x annual premium. Risk Management shall utilize actuarial and other professional assistance in determining this rate of self-insurance assessment under this section. On or before January 1, 1979, and each January 1 thereafter, Risk Management shall notify each City department or agency of the rate of the self-fund assessment for such department or agency for the next fiscal year. (Code 1979, 1-907)
- 1-708 **CLAIMS FOR COMPENSATION.**
All claims for compensation under City worker's compensation ordinance against any City department or agency for claims arising on or after January 1, 1979, shall be made against the City Worker's Compensation Fund. Such claims shall be served upon the City Risk Management Office in the manner provided for claims against other employers under the Worker's Compensation Act (K.S.A. 44-501) as amended. (Code 1979, 1-908)
- 1-709 **DEFENSE OF FUND.**
The City Prosecutor's office shall represent and defend the City of Lawrence Worker's Compensation Fund in all proceedings under the Worker's Compensation Act, but any legal expenses incurred shall be paid from the City Worker's Compensation Fund. (Code 1979, 1-909)
- 1-710 **INVESTIGATE CLAIMS.**
Risk Management shall investigate or cause to be investigated, each and every claim for compensation against the City of Lawrence Worker's Compensation Fund. For the purpose of such investigations, Risk Management is authorized to obtain expert medical advice regarding the injuries, occupational diseases and disabilities involved in such claims. If, based upon such investigation and any other available information, Risk Management finds there is no material dispute as to any issue involved in the claim, that the claim is valid and that the claim should be settled by agreement, Risk Management may proceed to enter into such an agreement with the claimant for the City Worker's Compensation Fund, for any settlement amount with the approval of the City Manager. Any such settlement made without that approval shall be invalid. Any such agreement may provide for lump sum settlements subject to approval by the State Worker's Compensation Director and all such agreements shall be filed in the office of the State Director of Worker's Compensation for approval as provided in K.S.A. 44-527. All other claims for compensation against such funds shall be paid in accordance with the worker's compensation act pursuant to awards or orders of the State Worker's Compensation Director or a court. (Code 1979, 1-910)
- 1-711 **ENCUMBER FUNDS.**

Risk Management shall encumber (reserve) funds sufficient to meet anticipated expenses for claims expected to exceed \$1,000 in accordance with Articles 7, 8, 9, 10, and 11, of the worker's compensation laws and rules and experience data. Any such encumbered reserves shall remain encumbered until released by award, settlement or dismissal. (Code 1979, 1-911)

ARTICLE 8. CITY SALES TAX

- 1-801 **TAX LEVIED.**
Pursuant to the provisions of K.S.A. 1970 Supp. 79-4424, as amended, 79-4425 and 79-4426 and the election held on April 6, 1971, there is hereby levied a retailers' sales tax in the amount of one-half of one percent (0.5%) on retail transactions consummated within the City of Lawrence, Kansas, as provided by the aforementioned statutes. Said tax shall become effective and commence beginning July 1, 1971. (Code 1979, 1-801)
- 1-802 **TAX LEVIED.**
Pursuant to the provisions of K.S.A. 12-187, et seq., and the election held on August 7, 1990, there is hereby levied an additional retailers' sales tax in the amount of one-half of one percent (0.5%) on retail transactions consummated within the City of Lawrence, Kansas, as provided by the aforementioned statutes. Said tax shall become effective and commence October 1, 1990. (Ord. 6132)
- 1-803 **SAME.**
Except as may otherwise be provided by law, such tax shall be identical in its application, and exemptions therefrom, to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such City retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Department of Revenue shall be utilized to administer, enforce and collect such tax. (Ord. 6132, Section II)
- 1-804 **CONTINUATION OF CAPITAL IMPROVEMENT FUND.**
The Capital Improvement Fund, established by Ordinance No. 5652, pursuant to K.S.A. 12-1, 118, shall continue in full force and effect, as amended by this ordinance. (Ord. 6625)
- 1-805 **SAME; USE OF CAPITAL IMPROVEMENT FUND.**
In addition to any other lawful source of funds, and not as an exclusive source of funds, the Capital Improvement Fund shall be used to fund and finance, in whole or in part, any public improvement need set forth in the City's adopted Capital Improvement Plan. These funds may also be used for the repair, restoration, or rehabilitation of existing public facilities. Disbursements from the fund may be made for engineering, architectural and other advance public improvement plans and studies and that reimbursements may be made for engineering, architectural and other advance public improvement plans and studies and that reimbursements may be made to the fund from bond proceeds, special assessments or state or federal aid available for the completed project. Moneys in the fund shall be budgeted annually for the fund, or transferred by the annual budget from other funds. The fund shall not thereafter be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto, as such the Capital Improvement Fund shall serve as a reserve fund of the City.
- 1-806 **SAME; COUNTY-WIDE SALES TAX RESERVE ACCOUNT FOR PARKS AND RECREATION FACILITIES.**
The governing body may budget or transfer receipts from the county sales tax to a separate account within the Capital Improvement Fund, such receipts to be used for

the repair, restoration and rehabilitation of parks and recreation facilities. The purpose of the parks and recreation sales tax account is to provide clear accountability for county sales tax receipts in the Capital Improvement Fund. This account shall be governed by the requirements of the fund.

1-807 **SAME; BUDGETING AND INVESTING FOR THE FUND.**
The budgeting and investing for the fund shall comply with all the requirements of law.

1-808 **THE HOUSING TRUST FUND.**
The Housing Trust Fund, was established by Ordinance No. 7194, pursuant to K.S.A. 12-16, 114. Funds from the Housing Trust Fund may be expended on such housing and related purposes as the governing body may from time to time determine as appropriate. (Ord. 7194)

1-809 **INFRASTRUCTURE SALES TAX.**
The levy of a special three-tenths of one percent (0.3%) Citywide retailers' sales tax and the application of the revenue received therefrom to pay for costs incurred in connection with the Sales Tax Projects as authorized by Ordinance 8348, is hereby authorized, with collection of the sales tax to commence in accordance with K.S.A. 12-191, on April 1, 2009, and to expire ten (10) years from the date the Sales Tax is first collected. (Ord. 8348)

1-810 **TRANSIT SALES TAX.**

(A) The levy of a special two-tenths of one percent (0.2%) Citywide retailers' sales tax and the application of the revenue received therefrom to pay for costs incurred in connection with the Transit Sales Tax Projects is hereby authorized, with collection of the sales tax to commence in accordance with K.S.A. 12-191, on April 1, 2009, and to expire ten (10) years from the date the 0.2% Sales Tax is first collected. (Ord. 8347)

(B) The levy of a special five one-hundredths of one percent (0.05%) Citywide retailers' sales tax and the application of the revenue received therefrom to pay for costs incurred in connection with the Additional Transit Sales Tax Projects is hereby authorized, with collection of the sales tax to commence in accordance with K.S.A. 12-191, on April 1, 2009, and to expire ten (10) years from the date the 0.05% Sales Tax is first collected. (Ord. 8347)

ARTICLE 8A. FRANCHISE FEE

1-8A01 **ELECTRICAL FRANCHISE FEE.**

(A) In consideration of the grant of this franchise and the premises herein, the Company agrees to pay and the City of Lawrence, Kansas agrees to accept as adequate compensation and consideration for the franchise hereby granted in lieu of any occupation, license, or privilege tax or any lease or easement charge, five percent (5%) of the total gross receipts from the sale of electrical energy during the term of this franchise to all consumers within the corporate limits of the City. The City may by ordinance modify the franchise fee, without approval of the Company, to an amount not to exceed five percent (5%) of the total gross receipts from the sale of electrical energy during the term of this franchise to all consumers within the corporate limits of the City, such ordinance shall take effect not earlier than ninety (90) days after publication. Total gross receipts shall include all sources of income generated, directly or indirectly, by the use of City property, right-of-way, and utility easements granted by this franchise. Gross receipts shall not include

other operating revenues received by the Company, which are not related to the "sale of electrical energy." These other operating revenues include, by are not limited to, delayed payment charges, connection fees, disconnection and reconnection fees, collection fees and return check charges. (Ord. 6450, Ord. 6468, Ord. 8030)

- (B) The franchise fee shall be paid monthly, by electronic transfer to the City of Lawrence, Kansas, or other method approved by the City and Company, for the preceding monthly period. On or before March 1 of every year, the Company shall also submit a report in substantially the same form as Attachment A to this Ordinance which shall detail revenues from specific sources for the preceding year. The company shall pay the applicable fee to the City within forty-five (45) days of the last day of the applicable month for which a fee payment is due and owing. Payments received after the due date shall be subject to a late payment charge of one percent (1%) per month. Payments due and owing as a result of an audit of franchise fee payments shall be subject to a late payment charge of one percent (1%) per month; provided such late payment charges shall 1) begin to accrue forty-five (45) days after notice is mailed to the Company; and 2) the late payment charge shall only apply to audit generated payments agreed to by the City and the Company. In the event the Company makes an overpayment of franchise fee payments, the appropriate payment to the Company shall include a one percent (1%) per month charge beginning on and after forty-five (45) days after the City and the Company agree in writing to the amount of the overpayment. (Ord. 6450, Ord. 6468, Ord. 8030)

ARTICLE 9. PUBLIC RECORDS

1-901

INSPECTION, COPYING FEES.

It is the purpose of this Article to establish reasonable fees and charges for the provision of access to or copies of open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the Governing Body such changes in this Article as may be necessary to secure this purpose. (Ord. 5510, Section 1)

1-902

INSPECTION FEE.

- (A) Where a request has been made for inspection of any open public record, which is readily available to the record custodian, there shall be no inspection fee charged to the requester.
- (B) In all cases not covered by Subsection (A) of this Section, a record inspection fee shall be charged at a rate based on the actual hourly rate of the individual doing the record search; in addition such inspection fee shall include an administrative fee of ten percent (10%). (Ord. 6237, Section 2)

1-903

COPYING FEE.

- (A) A fee of twenty-five cents (\$0.25) per page, with a minimum of \$5.00 (for the first five pages) shall be charged for photocopying public records, such fee to cover the cost of labor, materials and equipment (Ord. 7025).
- (B) For copying any public records, which cannot be reproduced by the City's photocopying equipment, the requester shall be charged the actual cost to

the City, including staff time, in reproducing such records.

- (C) A fee of five dollars (\$5.00) per card will be charged for fingerprints. A fee of five dollars (\$5.00) will be charged for fingerprints for Law Enforcement and National Security Checks per subject.
- (D) A fee of three dollars (\$3.00) may be charged for each notary stamp needed other than those required for Law Enforcement or National Security purposes. (Ord. 5648, Ord. 6237, Sec. 2)

1-904

PREPAYMENT OF FEES.

- (A) A record custodian shall demand prepayment of the fees established by this Article whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.
- (B) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed ten dollars (\$10.00).
- (C) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made. (Ord. 5510, Sec. 4)

1-905

PAYMENT.

All fees charged under this Article shall be paid to the custodian of the records inspected and/or copied. All fees received shall be paid to the City Treasurer on a daily basis. (Ord. 5510, Sec. 5)

ARTICLE 10. SISTER CITIES ADVISORY BOARD

1-1001

SISTER CITIES ADVISORY BOARD; ESTABLISHED; MEMBERSHIP.

There is created and established a Board of the City to be known as "The Sister Cities Advisory Board" (hereafter, "Board"), the members of which shall be appointed by the Mayor with the consent of the City Commissioners, and shall consist of no more than seventeen (17) members.

At the expiration of the term of an appointive member, the appointive member or his or her successor may be appointed for a term of three (3) years each, and will serve until their successors are appointed. Any vacancies in the membership of the board will be filled by the appointment of a member, for the unexpired term of a member whose office shall be vacant. It is not the intent of this ordinance to limit the number of terms a member may serve.

All members of the Board shall serve without compensation.

In addition to the regularly appointed members of the Board, the Mayor shall be an ex officio member with the right to participate in all deliberations. The Mayor also shall serve as honorary president. The President of each Friends' organization or designee shall serve as a member of the Board and will represent the Friends' organization at each regular meeting of the Board. (Ord. 6444; Ord 6636; 6700)

1-1002

SAME; BY-LAWS; MEETINGS.

The Board shall adopt rules and by-laws, which shall become effective when

approved by the City Commission. Said Board shall elect from among its members the following officers: a Chair, Vice-Chair, Secretary and Treasurer. Specific duties and responsibilities shall be stipulated in the by-laws of the Board. The Board shall meet at such time and place as may be established in the by-laws of the Board. (Ord. 6444)

1-1003

SAME; OFFICE.

The principal office of the Board is to be located in Lawrence, Douglas County, Kansas. (Ord. 6444)

1-1004

SAME; DISTRIBUTIONS.

No part of the net earnings of the Board shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Board shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in 1-1005. No substantial part of the activities of the Board shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Board shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Board shall not carry on any other activities not permitted to be carried on (a) by such an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code or (b) by such an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code. (Ord. 6444)

1-1005

SAME; PURPOSE, DUTIES.

The Board shall be an Advisory Board to the City Commission on matters relating to the City's implementation of Sister City programs. The purpose and duties of the Board shall be:

- (A) To seek, support, coordinate, foster, and develop sister city exchange programs of an educational, or charitable nature. Exchange activities sponsored by the Board may include but not be limited to social events providing cultural enrichment. Exchange activities may result in greater cultural understanding and subsequent business, economic and governmental relationships.
- (B) To appoint such project subcommittees as needed to fulfill the obligations of the Board, or any other such group to facilitate the objectives of the board. A Friends' organization shall be established for each Sister City. The President(s) of each Friends' organization (or his or her designee) shall submit a report of their activities to the Sister Cities Advisory Board at each regular meeting.
- (C) To raise and receive monies and accept any gift or donation to the Sister Cities exchange program and administer the same.
- (D) To review opportunities for new Sister City relationships with the City Commission.

The general purpose and duties of the Board are to operate solely and exclusively as a charitable, scientific, literary and educational organization. (Ord. 6444; Ord. 6636; 6700)

1-1006

SAME; DISSOLUTION.

Upon the dissolution or expiration of the Board, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code or shall be distributed to the federal government, or to a state or local government, for the public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the Board is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine which are organized and operated exclusively for such purposes. (Ord. 6444)

1-1007

SAME; ANNUAL REPORT.

The Sister Cities Advisory Board shall make annual reports not later than March 1st of each year, concerning the activities of the preceding calendar year. Such reports shall be filed with the City Clerk and shall cover all financial transactions involving monies raised and received including gifts and donations. (Ord. 6444)

ARTICLE 11. COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

1-1101

ESTABLISHMENT OF ADVISORY COMMITTEE.

The Community Development Advisory Committee is hereby established. (Ord. 8335)

1-1102

PURPOSE OF ADVISORY COMMITTEE.

The purpose of the Community Development Advisory Committee is to advise and assist the City of Lawrence, Kansas in program funding and policy recommendations regarding the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME). (Ord. 8335)

1-1103

SPECIFIC DUTIES OF ADVISORY COMMITTEE.

The Community Development Advisory Committee shall: (Ord. 8335)

- (A) Develop and propose funding strategies and policies.
- (B) Seek information and input from citizens who reside in low and/or moderate income neighborhoods or who are otherwise affected by CDBG/HOME activities.
- (C) Recommend the allocation of CDBG and HOME funds.
- (D) Review appeals made from determinations made by the Development Services staff regarding housing rehabilitation projects as prescribed in the Policies for Housing Rehabilitation Deferred Loans.
- (E) Review Residential Code and Property Maintenance Code appeals.

1-1104

MEMBERSHIP.

The Community Development Advisory Committee shall consist of eleven members. Each member shall be a resident of the City of Lawrence, Kansas. Members shall be from diverse elements of the community, with emphasis on people whose interests, commitment, and expertise can best fulfill the obligations and responsibilities of the Committee. Membership is voluntary and no voting member shall receive payment for service on the Advisory Committee. Members will be appointed by the Mayor with the consent of the City Commissioners. A minimum of six members shall be low or moderate income or live in a low or moderate income area or neighborhood, as defined by HUD census data. There will be appointed no more than one individual from any particular area or neighborhood. The remaining five members will be appointed at large from the community. At least one of the eleven individuals shall also be a landlord. (Ord. 8335)

1-1105

TERMS.

Voting members of the Community Development Advisory Committee shall serve three year terms, except when appointed to fill out an unexpired term. Initial appointments will be for one-, two-, or three-year terms so that membership changes will be staggered. Members may serve two consecutive two-year terms. If originally appointed to an unexpired term, the member may complete the term plus two consecutive three-year terms. (Ord. 8335)

1-1106

MEETINGS.

Each year, one member shall be elected by the members of the Community Development Advisory Committee the Committee Chairperson, who shall preside at meetings. A second member shall be elected as the Vice-Chairperson, to preside at meetings in the absence of the Chairperson. Meetings shall be called at a time and place convenient to the Committee and shall be held as needed to conduct the business of the Committee. The meetings shall be subject to all applicable provisions of the Kansas Open Meetings Act. The Advisory Committee shall prepare and approve minutes of each of their meetings, which shall be forwarded to the City Commission. (Ord. 8335)

1-1107

DECISIONS AND PROCEDURES OF THE COMMITTEE.

Recommendations of the Community Development Advisory Committee shall be approved by majority vote of the members present and voting. The Advisory Committee shall adopt any lawful rules, regulations and by-laws it deems necessary for its operation. (Ord. 8335)

1-1108

SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8335)

ARTICLE 12. SALES TAX AUDIT COMMITTEE

1-1201

SALES TAX AUDIT COMMITTEE, ESTABLISHED.

A City Sales Tax Audit Committee (the "Committee") is hereby established for the purposes of reviewing the revenues and expenditures of the special sales taxes approved by a majority of the electors voting thereon on November 4, 2008, to verify that the approved City retailers' sales tax revenue is being used properly and in accordance with the purposes for which said City retailers' sales taxes were authorized. (Ord. 8349)

1-1202

COMMITTEE MEMBERSHIP.

The Committee shall consist of five (5) members who are all residents of the City, to be appointed by the Mayor with the approval of the Governing Body. Two (2) members shall serve an initial three-year term. Two (2) members shall serve an initial two-year term. One (1) member shall serve an initial one-year term. After their initial terms, committee members shall serve terms of three years. Members may be reappointed to serve an additional term, or terms, at the discretion of the Governing Body. The Governing Body shall fill any vacancies in the membership of the Committee. (Ord. 8349)

1-1203

SAME, CHAIR.

The Committee shall designate a Chair who shall be responsible for presiding over meetings. The Committee shall meet at least once every six (6) months. The Chair, upon reasonable notice, shall be authorized to call additional meetings as needed. The City Manager, or his or her designee, shall provide staff support to assist the Committee. The first meeting of the Committee shall occur no later than June 1, 2009. (Ord. 8349)

- 1-1204 **SAME, MEETINGS. PURPOSE.**
 The Committee shall meet in a City facility. The Committee shall comply with the requirements of the Kansas Open Meetings Act and the Kansas Open Records Act. The Committee shall have the authority to review any records, receipts, invoices or other materials a majority of the Committee deems necessary to verify that the approved City retailers' sales tax revenue is being use properly and in accordance with the purposes for which the November 4, 2008 voter approved City retailers' sales taxes were authorized. (Ord. 8349)
- 1-1205 **SAME, REPORTS, FINDINGS.**
 The Committee shall make a written report of its findings and conclusions at least once every six (6) months to the Governing Body. A copy of such report, and any minutes of the Committee's meetings, shall be filed in the office of the City Clerk. (Ord. 8349)
- 1-1206 **SAME, RULES, BY-LAWS.**
 The Committee may recommend the adoption of by-laws governing its operation provided such by-laws are approved by the Governing Body and comply with the intent of this Ordinance and applicable laws and regulations. (Ord. 8349)
- 1-1207 **SEVERABILITY.**
 If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of the remaining parts of this ordinance. (Ord. 8349)

ARTICLE 13. LAWRENCE ADVISORY BOARD ON UNIVERSITY STUDENT ISSUES

- 1-1301 **LAWRENCE ADVISORY BOARD ON UNIVERSITY STUDENT ISSUES, ESTABLISHED.**
 There is hereby established the Lawrence Advisory Board on University Student Issues, hereinafter referred to as "LAB." The LAB shall be composed of nine (9) members. Membership shall be the Mayor, the Vice-Mayor, the City Manager or his or her designee, the Student Body President of the University of Kansas Student Senate, the Student Body Vice President of the University of Kansas Student Senate, the Community Affairs Director of the University of Kansas Student Senate, and three members of the Student Senate of Haskell Indian Nations University, including the President and Vice-President. The Mayor and Student Body Presidents shall serve as co-chairs of the LAB. The LAB shall conduct one meeting every four (4) months, or as otherwise determined by a majority of the Committee. The Committee shall also meet on the call of the co-chairs. The Committee shall prepare and approve minutes of the Committee meetings and forward the same to the City Commission. The Committee may adopt such by-laws as deemed appropriate, provided such by-laws are not inconsistent with the laws of the City. (Ord. 7217)
- 1-1302 **SAME; PURPOSE.**
 The purpose of the LAB shall be to review, discuss, and forward recommendations as appropriate, on issues, concerns, and initiatives of the students of the University of Kansas, Haskell Indian Nations University and the City of Lawrence. Decisions made by the LAB shall be given effect only if agreed upon by a majority of those voting members present and voting. All decisions made by the LAB shall be regarded as recommendations to the City Commission. (Ord. 7217)

ARTICLE II. ARTICLE 14. SOCIAL SERVICE FUNDING ADVISORY BOARD

- 1-1401 **SOCIAL SERVICE FUNDING ADVISORY BOARD ESTABLISHED; MEMBERSHIP.**
There is hereby established the Social Service Funding Advisory Board, herein after referred to as the "Board". The Board shall be composed of no more than seven (7) members. The Board will be composed of: one member (1) who is a United Way liaison; and six members (6) who are citizens of Lawrence at large with interest in services including but not limited to affordable housing and neighborhood quality, homelessness, arts and culture, alcohol and drug related issues, public health and safety, or youth and families. Members shall not be employed by any agency receiving social service funding from the City. The Mayor, with the consent of the Governing Body, will appoint individual members of the Board. Members of the Board shall serve three (3) year terms, except when appointed to fill out an unexpired term. Members may serve for two consecutive three-year terms. If originally appointed to an unexpired term, the member may complete that term plus two consecutive three-year terms. The Board shall elect every year a member from its membership to serve as Chair who shall preside at meetings. (Ord. 8501)
- 1-1402 **SAME, BY-LAWS; MEETINGS.**
The Board shall adopt rules and by-laws as deemed appropriate, provided such by-laws are not inconsistent with this ordinance or the provisions of Charter Ordinance No. 33. Specific duties and responsibilities of the Chair shall be stipulated in the by-laws. The Board shall meet at such time and place as may be established in the by-laws of the Board. (Ord. 8501)
- 1-1403 **SAME; MINUTES.**
The Board shall prepare and approve minutes of its meetings, and forward the same to the City Commission. (Ord. 8501)
- 1-1404 **SAME, BOARD DUTIES.**
The duties of the board shall be as follows. (Ord. 8501)
- (A) As part of the annual City Budget, the board shall review requests and make recommendations to the City Commission on the use of the following City resources:
 - (1) Special Alcohol and Drug Abuse Funds, excluding the use of funds by City departments, using the criteria as outlined in Charter Ordinance No. 33;
 - (2) Resources in the City's General Operating Fund for social service agencies;
 - (3) Resources in the City's Housing Trust Fund for projects that encourage and support the acquisition, rehabilitation, and development of affordable housing and/or emergency shelter and supportive services necessary to maintain independent living with dignity.
 - (B) Recommend to the City Commission such reporting requirements on the use of the City Funds as the Board determines appropriate.
 - (C) Evaluate the use of City Funds by recipients and report to the City Commission on such findings and determinations as the Board determines appropriate.

1-1405

OPEN MEETINGS AND OPEN RECORDS.

All meetings of the Board shall be held in compliance with the Kansas Open Meetings Act and its records shall be subject to the Kansas Open Records Act. (Ord. 8501)

ARTICLE 15. LAWRENCE CULTURAL ARTS COMMISSION

1-1501

COMMISSION ESTABLISHED; MEMBERSHIP.

The Governing Body of the City of Lawrence hereby endorses continued existence of the Lawrence Arts Commission which was established December, 1973. From this day forward the Lawrence Arts Commission shall be named and referred to as the Lawrence Cultural Arts Commission (Cultural Arts Commission), which shall consist of the mayor, or his/her appointee; the chairperson of the Lawrence-Douglas County Planning Commission, or his/her appointee; and the chairperson of the Parks and Recreation Advisory Board, or his/her appointee, all ex-officio members and eleven (11) members to be appointed by the Mayor as persons competent to determine the value of artistic works, architecture and events which affect the environment of the City of Lawrence. The chairperson of the Cultural Arts Commission shall be elected annually from among the eleven (11) appointed members. Members of the Cultural Arts Commission shall receive no compensation. The terms of office for appointed members shall be three (3) years. Any vacancies shall be filled by appointment by the Mayor for the un-expired terms. Appointed members may not be appointed for more than two (2) consecutive three (3) year terms except that a member appointed to fill an un-expired term shall, if reappointed, be entitled to serve two (2) full three (3) year terms in addition to the partial term. (Res. 3951, Res. 4765, Res. 6773).

1-1502

SAME; ARTS COMMISSION DUTIES.

The mission (purpose) of the Lawrence Cultural Arts Commission is to enhance and enliven the community by promoting cultural opportunities and arts education while nurturing an environment of aesthetic vitality. In order to effectuate this mission, the Cultural Arts Commission shall have the following responsibilities: (Res. 6773)

(A) Upon their own initiative:

- (1) Recommend works of art for purchase and/or recommend projects relating to the purchase of art.
- (2) Recommend for consideration by the Governing Body various artistic events and/or projects related to artistic endeavors within the community.
- (3) Present awards of recognition related to various artistic endeavors within the community.
- (4) Make recommendations to the Governing Body regarding any matter believed to have a significant impact upon the aesthetic environment of the community.

(B) Upon request of the Governing Body:

- (1) Recommend works of art for purchase and/or recommend projects relating to the purchase of art.
- (2) Present awards of recognition related to various artistic endeavors within the community.

- (3) Study any proposed project with regard to various elements of artistic concern and prepare conclusions for consideration by the Governing Body.
- (4) Undertake fund raising projects in conjunction with the purchase of works of art by the City or development of artistic events by the City.
- (5) Conduct a review of plans, proposals, or projects relating to architecture, works of art or artistic events and present advice and/or recommendations to the Governing Body.
- (6) Coordinate or assist artistic and cultural events within the community including the procurement of physical facilities for such events and support of those groups which are participating in such events.

For the purpose of section (B), artistic events includes: festivals, concerts, theatrical productions, and exhibitions.

ARTICLE 16. DOWNTOWN PARKING ADVISORY BOARD

1-1601

DOWNTOWN PARKING ADVISORY BOARD; ESTABLISHED; MEMBERSHIP.

There is hereby established the Downtown Parking Advisory Board, hereinafter referred to as the "Board." The Board shall be composed of seven (7) members who shall be residents of the City of Lawrence and interested in issues and policies regarding the provision of parking in the downtown area. One (1) member of the Board shall be a member of the City of Lawrence, Kansas governing body. Members of the Board shall be appointed by the Mayor, with the consent of the City Commission. Members of the Board shall serve three (3) year terms, provided that initial appointments to the Board may be for terms of one (1), two (2), and three (3) year terms to provide for staggered years of service. Members of the Board shall annually elect a Chair from their membership who shall preside at meetings. The Board shall conduct one meeting every three (3) months, or as otherwise determined by a majority of the Board. The Board shall also meet on the call of the Chair. The Board shall prepare and approve minutes of the Board meetings and forward the same to the City Commission. The Board may adopt such by-laws as deemed appropriate, provided such by-laws are not inconsistent with this ordinance.

1-1602

BOARD DUTIES AND RESPONSIBILITIES.

The Board shall have such advisory duties and responsibilities as the City Commission may from time to time refer to the Board for consideration and recommendation, including, but not limited to, the following issues:

- 1) The need, location, design, financing and other considerations of new or improved on-street and off-street parking facilities, including parking garages, in the downtown area.
- 2) Such other matters as may serve the interests of the public in the provision of downtown parking.

ARTICLE 17. LOCAL PURCHASING PREFERENCE POLICY

1-1701

LOCAL PURCHASING PREFERENCE POLICY.

The City of Lawrence hereby adopts a local purchasing preference as set forth in this Article. The City Manager, or his or her designee, is authorized to amend the City's purchasing policy to include the provisions set forth in this Article. (Ord. 8386)

1-1702

DEFINITIONS.

Local business entity, as used in this article, shall mean any person, firm, corporation or other business entity complying with all of the following requirements: (Ord. 8386)

- (A) The business entity must have established a permanent place of business within the city limits of Lawrence at least six (6) months prior to the submittal of a bid; and
- (B) The place of business must be a location whose principal use is for business purposes, shall not be a post office box, and shall not be within or part of a residential location including, but not limited to, a home, residence, hotel or motel; and
- (C) The business entity shall not have any outstanding liens, fines or unsatisfied final judgments with the City of Lawrence.

1-1703

CERTIFICATION OF LOCAL BUSINESS ENTITY STATUS.

A business entity shall claim in writing at the time of bid submittal that it meets the definition of "local business entity." City staff shall attempt to verify whether the business entity meets the definition of a "local business entity" set forth in this Article. If City staff cannot conclusively verify that the business entity is a "local business entity" as defined in this Article, the preference shall not apply. (Ord. 8386)

1-1704

LOCAL PREFERENCE.

The governing body of the City of Lawrence may, at its sole discretion, award one of the following local preferences: (Ord. 8386)

- (A) A responsible bid from a local business entity that is no more than one percent (1%) and no more than \$10,000 higher than the lowest responsible bid may be preferred over the lowest responsible bid; or
- (B) If all aspects of a responsible bid from a local business entity are equal to the responsible bid from a non-local business entity, the local business entity may be preferred.

1-1705

APPLICABILITY OF THE LOCAL PREFERENCE.

- (A) Any local preference awarded by the governing body of the City pursuant to this Article shall only apply to bids equal to or greater than \$15,000. (Ord. 8386)
- (B) The local preference shall not apply to bids in which federal funds or other funds are used that prohibit the application of the preference. (Ord. 8386)
- (C) The local preference shall not apply to bids for the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement of any street, highway, public grounds, or public building or facility, or any other kind of public improvement commenced or ordered by the governing body. (Ord. 8386)
- (D) The local preference shall not apply to cooperative purchasing agreements or contracts in which the City participates. These agreements or contracts may be subject to review by the governing body. (Ord. 8386)

ARTICLE 18. HOUSING TRUST FUND - HOUSING TRUST FUND BOARD

1-1801

PURPOSE OF THE HOUSING TRUST FUND.

The purpose of the Housing Trust Fund is to encourage and support the acquisition, rehabilitation, and development of affordable housing and/or emergency shelter and supportive services necessary to maintain independent living with dignity in our community. This purpose is consistent with all aspects of the “Step Up to Better Housing” strategy. (Ord. 7357)

1-1802

DEFINITIONS.

Definitions of terms as used in this Article, unless the context otherwise requires, shall be as follows: (Ord. 7357)

- (A) Housing Trust Fund. A public/private funding mechanism for acquisition, rehabilitation and development of affordable housing. Housing Trust Funds are established by a government entity and financed by a funding stream other than the General Fund.
- (B) Step up to Better Housing Strategy. The strategy adopted by the City Commission regarding a coordinated approach to housing in the community.

1-1803

ELIGIBLE APPLICANTS FOR THE HOUSING TRUST FUND.

Eligible applicants of the Housing Trust Fund will be as follows: (Ord. 7357)

- (A) Private Entities;
- (B) Public Entities;
- (C) Non-Profit Entities;
- (D) For-Profit Entities.

1-1804

ELIGIBLE USES FOR THE HOUSING TRUST FUND .

Eligible uses of the Housing Trust Fund will be as follows: (Ord. 7357)

- (A) Property acquisition;
- (B) New construction for sale or rent (single and multi-family);
- (C) Rehabilitation and/or moving a housing structure(s) for sale or rent (single and multi-family);
- (D) Housing related services (determined on a case-by-case basis);
- (E) Condominiums and cooperatives;
- (F) Gap funding.

1-1805

Reserved.

1-1806

Reserved.

1-1807

Reserved.

1-1808 **Reserved.**

ARTICLE 19. SUSTAINABILITY ADVISORY BOARD

1-1901 **SUSTAINABILITY ADVISORY BOARD, ESTABLISHED.**

There is hereby established the Sustainability Advisory Board, hereinafter referred to as "SAB". The SAB shall be composed of ten (10) members. The Mayor, with the consent of the Governing Body, will appoint individual members of the board. The board shall serve as a representative body for the community, and shall involve volunteers and community members. Members of the Committee shall serve three (3) year terms, except when appointed to fill out an unexpired term. Members may serve for two consecutive three year terms. If originally appointed to an unexpired term, the member may complete that term plus two consecutive three-year terms. The Committee shall elect every year a member from its membership to serve as Chair who shall preside at meetings. The Committee shall prepare and approve minutes of its meetings, and forward the same to the City Commission. The Committee shall adopt by-laws as deemed appropriate, provided such by-laws are not inconsistent with this article. (Ord. 8101)

1-1902 **PURPOSE OF THE SUSTAINABILITY ADVISORY BOARD.**

The mission of the SAB is to promote environmental protection, and advocate for policies which support sustainability (including environmental protection, waste reduction, recycling, energy conservation and natural resource conservation) in the City of Lawrence and to enhance the quality of life by enhancing the City's efforts in these areas. (Ord. 8101)

1-1903 **SAME; DUTIES.**

The SAB shall advise the Lawrence City Commission and staff in the following ways. The Board should: (Ord. 8101)

- (A) Monitor and review present environmental protection, waste reduction, recycling, energy conservation, and natural resource conservation efforts.
- (B) Assist the Lawrence City Commission and city staff to develop and establish goals and priorities for future environmental protection, waste reduction, recycling, energy conservation, and natural resource conservation efforts.
- (C) Advise the Lawrence City Commission and city staff on practical methods and programs to reach their goals for future environmental protection, waste reduction, recycling, energy conservation, and natural resource conservation efforts.
- (D) Serve as an information resource for the Lawrence City Commission and city staff. Receive reports on environmental protection, waste reduction, recycling, energy conservation, and natural resource conservation from staff of all affected city departments.
- (E) Maintain regular communication with the Lawrence City Commission and city staff regarding advisory board activities and recommendations.

ARTICLE 20. ECONOMIC DEVELOPMENT BOARD

Section 2.01

1-2001 **BOARD ESTABLISHED, MEMBERSHIP.**

The Board shall have ten (10) members that consist of the following positions: The

Mayor of the City of Lawrence, the Chair of the Douglas County Board of Commissioners, the President of the Lawrence Chamber of Commerce, the Vice-Chair of Economic Development of the Lawrence Chamber of Commerce Board of Directors, the Chancellor of the University of Kansas, the President of Haskell Indian Nations University, the President of Baker University, the Superintendent of Schools for USD No. 497, the President of Douglas County Development, Inc. and the Chair of ECO2. (Ord. 7776)

1-2002

SAME, BOARD DUTIES.

The purpose of the Board is to oversee the Economic Development Department's efforts to attract and retain jobs in Douglas County. The duties of the Board shall be: (Ord. 7776)

- (A) Assist in the development and recommend approval of annual budget to the Governing Body of the City of Lawrence and of the Board of County Commissioners of Douglas County.
- (B) Monitor financial reports of the Douglas County Economic Development Department on a quarterly basis.
- (C) Oversee compliance of Horizon 2020 Economic Development Plan and provide updates as deemed appropriate by the Board. The Board will communicate to elected officials and the public regarding results and successes achieved by this plan.
- (D) The Board shall have other responsibilities and duties as the governing bodies of the City and County may from time to time assign to the Board concerning the economic development of the City and the County.
- (E) Serve as a catalyst to cities within Douglas County to work with the Planning Commissions to identify and structure resources for the development for future business parks.

1-2003

SAME, MEETINGS.

The Board shall meet on a quarterly basis, provided that the chair of the Board may cause additional meetings of the Board to be held as the need arises. (Ord. 7776)

1-2004

SAME, BOARD CHAIR.

The Board shall be chaired by the Vice Chair for Economic Development for the Lawrence Chamber Board of Directors. The Board shall provide for the preparation and approval of minutes of Board meetings, and shall provide copies of the same to the Lawrence City Commission and the Douglas County Commission. (Ord. 7776)

1-2005

SAME, BY-LAWS.

The Board may adopt by-laws governing the operation of the Board, provided that such by-laws do not conflict with the provisions of this code or City of Lawrence Ordinance No. 7776 or Douglas County Resolution No. 04-17 or any other applicable law. (Ord. 7776)

ARTICLE 21. ECONOMIC DEVELOPMENT INCENTIVES AND TAX ABATEMENT POLICY

1-2101

INTRODUCTION.

The purpose of this document is to establish the official policy and procedures of the City for the granting of economic development incentives, including cash incentives and exclusive infrastructure assistance associated with projects within the City of

Lawrence. (Ord. 8384)

1-2102

GENERAL OBJECTIVE.

In Horizon 2020, the City identifies three goals for economic development: job growth in excess of population growth; increasing the share of the tax base coming from non-residential growth; and increasing career opportunities by attracting high-skilled jobs in expanding industries.

Various economic incentives are available under Kansas law to help municipalities achieve their public objectives. This ordinance establishes the policy, procedures and requirements to govern the fair, effective and judicious use of these incentives by the City in order to help meet its economic development goals.

Because of Lawrence's assets and the desire of area residents to plan for the future and retain a community that is different from other growing suburban areas, economic incentives may not be offered to every firm that is eligible under state statutes. Instead, incentives will be targeted toward businesses meeting the objectives defined below. (Ord. 8384)

1-2103

ECONOMIC DEVELOPMENT OBJECTIVES.

The City works in cooperation with Douglas County and the Lawrence Chamber of Commerce to achieve the general objectives outlined in the section above. This partnership enables the community to maximize its resources and to develop a consensus regarding the kind of economic development that best advances the interests of the entire community. (Ord. 8384)

All of the partners in this effort share a commitment to:

- (A) Encourage existing industry to expand;
- (B) Assist new business start-ups;
- (C) Recruit new companies from out-of-state and internationally;
- (D) Encourage high technology and research based-businesses;
- (E) Encourage training and development of Lawrence area employees; and
- (F) Encourage the location and retention of businesses which are good "corporate citizens" that will add to the quality of life in Lawrence through their leadership and support of local civic and philanthropic organizations.

While it is the new companies from out-of-state that typically generate the most publicity, it is the policy of the City, County, and the Chamber to place a high priority on the retention and expansion of existing businesses.

The City's role in this economic development partnership involves:

- (G) Providing the land, zoning and infrastructure that are required to create new jobs and new investment;
- (H) Providing policies, processes and procedures for clear standards and timely reviews of applications; and
- (I) Providing the personal assistance and in some cases the incentives necessary to achieve the objectives set forth in this document.

All partners believe that Lawrence and Douglas County should be selective as to the kinds of businesses that are recruited and assisted. Horizons 2020 specifies that businesses within the following industries should particularly be a focus of economic development efforts:

- (J) Life Sciences/Research,
- (K) Information Technology,
- (L) Aviation and Aerospace,
- (M) Value-added Agriculture; and
- (N) Light Manufacturing and Distribution.

1-2104

ECONOMIC DEVELOPMENT INCENTIVES.

When appropriate, the City may utilize incentives in order to achieve its economic development goals. One or more incentives may be utilized, depending on the application. These include, but are not necessarily limited to, the following: (Ord. 8384)

- (A) Loans/Grants: Provide capital to existing and new businesses for projects related to new growth and expansion, providing job training, assisting with business relocation expenses, and other types of assistance which further the community's economic development goals.
- (B) Infrastructure: Provide infrastructure improvements related to needs of businesses or to assist in making property useable and available for businesses or other designated economic development activities (i.e. infrastructure for industrial property, etc.)
- (C) Property Tax Abatement: The City may utilize property tax abatements to spur investments.
- (D) Tax Increment Financing: The City may judiciously utilize Tax Increment Financing (TIF) for the purpose of encouraging projects with an emphasis on redevelopment activities. The City has a separate policy regarding tax increment financing.
- (E) Transportation Development Districts: The City may utilize transportation development districts to encourage quality transportation-related infrastructure. The City has a separate policy regarding transportation development districts.

1-2105

APPLICATION PROCEDURES.

- (A) Applicant picks up a blank Application form at City Hall (City Manager's Office) or the Application is downloaded from the Internet. Applicant's business/project must be located in the City of Lawrence or near the City of Lawrence such that there will be direct economic benefit to the City.
- (B) An Application must include a project plan that:
 - (1) Summarizes the project;
 - (2) Demonstrates the financial and professional capability to complete the project;

- (3) Proposes a timeline for project completion; and
 - (4) Provides a summary of project benefits to and assistance requested from the City.
- (C) When the Application (with an attached Project Plan) is completed, it will be submitted to City Hall (City Manager's Office) along with any application fees that may be required for the particular incentive sought. Applicant may seek technical assistance in ensuring the application is complete from City Staff, the Chamber of Commerce, the Small Business Development Center, or others.
- (D) City Staff will facilitate the review of all applications before they are considered by the City Commission. In preparing such review, City Staff will utilize the City's resources or other professional assistance as deemed appropriate by the City Manager.

In cases in which sensitive financial information needs to be shared to evaluate an application, the City will utilize a third party to review such information and write a report that summarizes any major concerns with the ability of the applicant to complete the project. The third party will also make recommendations regarding appropriate provisions the City may consider to secure its investment.

The application review will be summarized in writing and presented no later than the time the application is presented to the City Commission. This review may include but not be limited to the following:

- (1) Verification that the applicant is eligible for the incentive sought under the Kansas Constitution, City or County ordinances or any other applicable laws;
- (2) Phone calls to listed references for banking, other financing, major suppliers, and major customers;
- (3) Oral verification of major indebtedness with lender/mortgage holders;
- (4) Review of financial documents for reasonableness;
- (5) Cursory reconciliation of future year cash flow projections with current cash status, requested monies, etc.;
- (6) Correlation with other requests from the City (subsidized land costs, property tax abatements, City industrial revenue bonds, utility improvements);
- (7) Adequacy of performance provisions;
- (8) Any significant positive or negative aspects of the application; and
- (9) Benefit/cost analysis (as prepared by City staff).

Results of this review will be shared with the applicant as soon as possible to ensure accuracy of the application before its official presentation to the City Commission. This review will not be construed as a "screening" procedure. Each applicant has the privilege to present its application intact

and unchanged to the City Commission.

- (E) The City Manager will provide the information concerning the Application to the members of the City Commission for study. Copies will also be provided to professional staff.
- (F) The City Manager will determine when the Application will be considered for public hearings with a Review Committee (as established in Section 1-2108, below) and the City Commission.
- (G) Upon completion of management review, the Review Committee shall conduct a public meeting to hear the proposal from the applicant, receive comments from the public, and seek additional information as necessary. Comments, recommendations, and additional information from the applicant shall be forwarded to the City Commission for consideration along with the original application.
- (H) The City Commission will then consider the application during a public meeting. At this meeting, the Commission may consider the application and make a determination. Additional City Commission meetings may be necessary. The City Commission retains the prerogative of rejecting any Application.
- (I) If the City Commission has approved an Application, it is then turned over to the City Manager for implementation and administration.

1-2106

BENEFIT/COST MODEL.

The City, in determining whether certain incentives should be granted; shall conduct a benefit/cost analysis which will consider various factors including, but not limited to, the following: (Ord. 8384)

- (A) The increase in appraised valuation of the property;
- (B) The sales and income tax revenue which may result;
- (C) The number of new jobs, the earnings and the benefits that will be provided;
- (D) Additional jobs created through secondary or “multiplier” effects, as well as the associated tax revenues from these jobs and residents;
- (E) The capital expenditures that local government will need to make to expand public services, for example parks and police stations, to both the company and new residents;
- (F) The operating expenditures that local government will need to make on a regular basis for public services, for example fire protection and street maintenance, to both the company and new residents;
- (G) The expenditures by the local school district to provide the facilities and to educate the students of the new residents associated with the company;
- (H) Any expenditures by the State of Kansas, such as per-student funding in local school systems, created by the firm and new residents; and
- (I) Other public expenditures associated with attracting the new company.

In addition to the results of the cost-benefit analysis, the following factors may also be considered:

- (L) The degree to which the business improves the diversification of the economy;
- (M) The kinds of jobs created in relation to the types of skills available from the local labor market;
- (N) The degree to which the ultimate market for the business products and services is outside the community, recognizing that outside markets bring “new money” to the local economy;
- (O) The potential of the business for future expansion and additional job creation;
- (P) The beneficial impacts the business may have by creating other new jobs and businesses, including the utilization of local products or other materials and substances in manufacturing and creation of niche businesses, such as those in the bioscience area;
- (Q) The benefits and impacts the firm has on environmental quality both to the region or, through its products, nationally, as well as any efforts the firm makes to promote sustainability or mitigate environmental harm;
- (R) The beneficial economic impact the business will have on a particular area of the City, including designated enterprise zones and areas of needed revitalization or redevelopment; and
- (S) The compatibility of the location of the business with land use and development plans of the City and the availability of existing infrastructure facilities and essential public services.

1-2107

PERFORMANCE PROVISIONS.

Each company that receives an incentive from the City will be held accountable to certain performance provisions. These provisions will be included in a performance agreement between the company receiving the incentive and the City. Each performance agreement shall contain annual targets for capital investment, job creation and wage structure. The average of these three targets will be used to create an overall annual percentage of compliance for that year. These annual targets will then determine the amount of annual incentives that the company will receive for that year. Substantial compliance and incentives received will be determined by the following chart:

% compliance with annual target	Amount of incentive to be received
90-100%	100%
80-89%	85%
70-79%	75%
Below 70%	No incentive

Depending upon the funding mechanism utilized and the application, additional performance criteria may be utilized and included in the compliance calculation.

Substantial compliance will be evaluated annually. Failure to fully meet compliance requirements in any one year will result in a reduction in incentives only for the following year. In addition, any firm that does not provide the information required in its annual report may be subject to incentive reductions for the current year.

City Staff shall notify the firm of any adverse finding prior to an incentive reduction being taken. The firm shall have the privilege of appealing an adverse finding to the City Commission as set forth in Section 1-2109 below. The City Commission may override an incentive reduction determination for that year with a majority vote.

Regardless of the funding mechanism used, the City should be mindful to secure its assets and ensure satisfactory performance by the Applicant. A number of tools can be utilized by the City, and be included in the performance agreement, in order to accomplish this.

1-2108

PUBLIC INCENTIVES REVIEW COMMITTEE.

The Public Incentives Review Committee (PIRC) has been established to review and comment about City incentives under this policy. Additionally, the committee is charged with annual review and monitoring of compliance for all cash-like incentives issued under this ordinance. The purpose of the Public Incentives Review Committee is to: (Ord. 8384)

- (A) Ensure that the public, the County, and the School District have an opportunity to participate in the application and review procedures for public incentives;
- (B) Receive and review requests for all incentives requested by applicants;
- (C) Gather and review such additional information as may be deemed necessary to determine if the company meets the target objectives set forth in this policy;
- (D) Make recommendations on the application for consideration by the City Commission, especially as related to the factors listed in Section 1-2106 that are in addition to the benefit-cost model;
- (E) Review the City's yearly incentive report and compliance with performance agreements; and
- (F) Review other economic development related matters upon the request of the City Commission.

The Public Incentives Review Committee shall be composed of:

- (G) The Mayor, or the Mayor's designee, who shall serve as chair;
- (H) Another member of the City Commission appointed by the Mayor with the consent of the City Commission;
- (I) A member of the Douglas County Commission, as appointed by the County Commission;
- (J) A member of the Lawrence Public Schools U.S.D. 497 School Board or a School Board representative, appointed by the School Board;
- (K) A professional financial analyst appointed by the Mayor and City Commission for a three year term;
- (L) The Chair of the Lawrence/Douglas County Economic Development Board;

- (M) A resident of Lawrence appointed for a three year term by the Mayor and the City Commission, from a list of not less than three people chosen by the Sustainability Advisory Board (SAB); and
- (N) A resident of Lawrence appointed for a three year term by the Mayor and the City Commission.

City, County, and School District staff shall provide technical and policy advice to the Committee. The Committee shall meet on call of the Mayor.

Public Incentives Review Committee records, including applications for tax exemptions, may be withheld from public disclosure under the Kansas Open Records Act as provided for under subsections (20) and (31) and other subsections of K.S.A. 45-221, but shall be available for public inspection when otherwise required by law. The Committee is authorized to issue administrative letters of finding which shall not be binding on the City Commission, and may be superseded by any action by the City Commission.

1-2109

ACCOUNTABILITY.

Annually, City Staff will be responsible for reviewing the performance of each recipient of funds for the previous year. The purpose of this review is to check for compliance with the performance agreement and to gather information regarding cumulative job creation, wage structure, and other such information necessary to gauge the performance of the company. The accountability review may include a site visit. (Ord. 8384)

The fund recipient will be required to certify, to the City, compliance with the performance agreement's wage, capital, and job requirements for the preceding year. For the purposes of property tax abatement, this compliance report shall include information showing how the wage floor, average wages, and health insurance requirements as set forth in Section 1-2121 (B), (C), and (D) have been met. Such certification will be signed and returned to the City by March 1 of the current year. The accountability period will last only as long as required to meet the performance obligations outlined in the performance agreement.

Utilizing the information gathered, City staff will compile an incentives report, showing statistics and other information relative to each recipient of funds, as well as the overall performance of each fund. The report will be provided to the Public Incentives Review Committee by April 1st. If either City staff or the Public Incentive Review Committee finds that substantial compliance has not been met by a firm, as calculated in the respective performance agreements, the firm shall be notified of such finding before presenting the incentives report to the City Commission.

The incentives report along with comments and recommendations from the Public Incentives Review Committee shall be submitted by City staff to the City Commission no later than May 1. This submission shall note any firms that wish to appeal a finding of non-compliance. Firms must provide a written request for appeal of such findings to the City no later than May 15 to ensure that any appeals for the current year are addressed in a timely manner. Written requests to appeal a finding must:

- (A) Address the specific targets the firm is not meeting;
- (B) Include reasons for non-compliance with these particular performance targets; and
- (C) Discuss whether the firm believes that substantial compliance can be met in the following year.

1-2110

INDUSTRIAL REVENUE BONDS: PURPOSE.

Industrial Revenue Bonds (IRBs) are an incentive established by the State of Kansas to enhance economic development and improve the quality of life. The City may from time to time grant IRBs when the project under consideration helps further the economic and community development objectives as set forth in this Ordinance and Horizon 2020. (Ord. 8523)

1-2111

CRITERIA.

The City favors issuing Industrial Revenue Bonds to projects that bring in new revenues from outside the community or enhance the local quality of life over projects that will primarily compete against other local firms. Additionally, a project must meet the following criteria in order to qualify for IRBs: (Ord. 8523)

- (A) Only those projects which qualify under Kansas law will be eligible for IRB financing. The City shall look more favorably upon projects that support the targeted industries listed in Section 1-2103, above.
- (B) The proposed project shall achieve one or more of the following public benefits:
 - (1) Meet the economic development goals of the City as set forth in this policy and the Comprehensive Plan of Lawrence and Douglas County;
 - (2) Enhance Downtown Lawrence;
 - (3) Promote infill through the development of vacant lots, the rehabilitation of deteriorated properties or the adaptive reuse of historic properties;
 - (4) Incorporate environmentally sustainable elements into the design and operation of the facility; or
 - (5) Provide other public benefits to the community, particularly as set forth in the Comprehensive Plan of Lawrence and Douglas County.
- (C) The prospective tenant shall show the financial capacity to complete the proposed project and successfully market the bonds.

1-2112

SPECIAL CONSIDERATION FOR HOUSING AND RETAIL PROJECTS.

Except as indicated below, Industrial Revenue Bonds shall not be granted for projects that are principally for retail or residential use. (Ord. 8523)

- (A) Projects requesting IRBs that are primarily retail in nature shall only be considered if the applicant demonstrates that the project is exceptional and unique, and is likely to add to the retail base by attracting new retail sales or capturing sales that are leaking to other markets.
- (B) Projects requesting IRBs that are primarily residential in nature shall only be considered if the project is a multi-family or senior living project and fits the criteria herein described. Infill development or redevelopment is preferred. Mixed-use projects are more desirable, as are projects in the Downtown area. Multi-family or senior living projects that contain no non-residential uses and are requesting IRBs must have at least 35% of all housing units set aside for households making 80% of the Area Median Income or less.

Infill housing projects shall be looked upon more favorably if they are mixed use, located in Downtown, or both.

1-2113

PROCEDURES.

- (A) Formal Application. An applicant may pick up a formal application either at City Hall in the City Manager’s Office, or online. The applicant shall complete the application and file it with the City Manager. A fee of \$1,000 is due upon filing in order to help defray the City’s cost in processing the application. Such fee shall be collected regardless of the City Commission’s action on the application or if the bond issue closes. (Ord. 8523)
- (B) Preliminary Review. City staff will provide an initial review of the application to ensure that it meets the requirements in City policy. (Ord. 8523)
- (C) Coordination with Bond Counsel. City staff will coordinate with the applicant and bond counsel a schedule for the issuance of the bonds which meets the needs of all parties involved. During the process, bond counsel will assist with the preparation of other documents needed for filing through the State of Kansas. (Ord. 8523)

Applicants are encouraged to utilize the City’s bond counsel. In the event that the applicant selects other bond counsel, the City may require its bond counsel to be involved in the transaction in a review capacity, depending upon the amount of the transaction and the project involved.

- (D) Public Notification. At least seven (7) days prior to consideration, the City shall prepare a Notice of Public Hearing to be published in the official City newspaper, giving notice of hearing on the IRB request, and indicating the purpose, time and place thereof. (Ord. 8523)
- (E) Resolution of Intent and Ordinance Provisions. The City Commission shall conduct a public hearing and consider a Resolution of Intent followed by two readings of an ordinance authorizing the issuance of the bonds. (Ord. 8523)
- (F) Documents. All documents related to Industrial Revenue Bonds will be kept on file with the City Clerk. (Ord. 8523)

1-2114

SALES TAX EXEMPTIONS.

Labor and materials used in construction as well as equipment purchased with IRB proceeds are generally exempted from State and local sales tax. Payments-in-lieu of sales tax may be made as negotiated between the City and the Applicant. (Ord. 8523)

1-2115

INDUSTRIAL REVENUE BONDS AND TAX ABATEMENTS.

Applicants that request tax abatements in conjunction with IRBs must follow the policies and procedures set forth in the City’s Tax Abatement Policy in addition to the procedures for IRBs as provided above. (Ord. 8523)

1-2116

ADDITIONAL FEES.

Each applicant who receives an issuance of Industrial Revenue Bonds shall pay all fees associated with the issuance of the Industrial Revenue Bonds. (Ord. 8523)

1-2117

AUTHORITY TO ISSUE INDUSTRIAL REVENUE BONDS.

The authority to approve the issuances of IRBs shall be the responsibility of the City Commission. The Commission’s decision for approval or disapproval will be based on the analysis made by the City staff and the recommendations the staff provides to

the City Commission from its review of all pertinent data relating to a particular request for bonds. (Ord. 8523)

1-2118

REPEAL OF PREVIOUS RESOLUTION.

Resolution 5239, approved May 4th, 1989 to govern the issuance and use of Industrial Revenue Bonds by the City, is hereby repealed. (Ord. 8523)

1-2119

PROPERTY TAX ABATEMENTS: PURPOSE FOR PROPERTY TAX ABATEMENTS.

In order to help meet its economic development objectives, the City may from time to time grant tax abatements to firms that meet State Constitutional requirements or have received an Industrial Revenue Bond, and are within the City's targeted industries. It shall be the policy of the City to grant up to a 50% "Baseline" abatement for firms that meet the investment and employment criteria outlined in Sections 1-2121, 1-2122 and 1-2123. Firms may receive an additional abatement if they meet the additional criteria outlined in these same sections. (Ord. 8384)

1-2120

DEFINITIONS.

For the purpose of the Property Tax Abatement section of the Ordinance, in application to the City of Lawrence, the words or phrases as used shall have the following meaning: (Ord. 8384)

- (A) "Applicant" shall mean and include the business, property owner or owners, and their officers, employees and agents.
- (B) "Associated therewith" as used with respect to tangible personal property shall mean being located within, upon, or adjacent to buildings or added improvements to buildings.
- (C) "Commenced operations" shall mean the start of the business activity housed in the building for which a tax exemption is requested.
- (D) "Economic development purposes" shall mean the expansion or the establishment of a new business enterprise which:
 - (1) Is or proposes to be located or principally based in Kansas; and
 - (2) Can provide demonstrable evidence that:
 - (a) it is or will be primarily engaged in any one or more of the Kansas basic industries,
 - (b) it is or will be primarily engaged in the development or production of goods or the provision of services for out-of-state sale, or
 - (c) it is or will be primarily engaged in the production of raw materials, ingredients or components for other enterprises which export the majority of their products,
 - (d) it is a national or regional enterprise which is primarily engaged in interstate commerce,
 - (e) it is or will be primarily engaged in the production of goods or the provision of services which will supplant goods or services which would be imported into the city, or

(f) it is the corporate or regional headquarters of a multistate enterprise which is primarily engaged in out-of-state industrial activities that take place outside of Lawrence.

(E) "Kansas basic industry" shall mean:

- (1) Agriculture;
- (2) Mining;
- (3) Manufacturing;
- (4) Interstate transportation;
- (5) Wholesale trade which is primarily engaged in multistate activity or which has a major import supplanting effect within the state;
- (6) Financial services which are primarily engaged in providing such services for interstate or international transactions;
- (7) Business services which are primarily engaged in providing such services to out-of-town markets;
- (8) Research and development of new products, processes or technologies; or
- (9) Tourism activities which are primarily engaged in for the purpose of attracting out-of-state tourists.

(F) As used in these subsections, "primarily engaged" means engagement in an activity by an enterprise to the extent that not less than fifty-one percent (51%) of the gross income of the enterprise is derived from such engagement.

(G) "Expansion" shall mean the enlargement of a building or buildings, construction of a new building, the addition of tangible personal property, or any combination thereof, which is new to the tax rolls and increases the employment capacity of a business eligible for a tax exemption.

(H) "Tangible personal property" shall mean machinery and equipment which is new to the tax rolls and used during the term of the tax exemption which may be granted.

1-2121

REQUIREMENTS FOR CONSIDERATION OF A TAX ABATEMENT.

The City shall only grant a tax abatement to a business which meets the legal requirements for a tax abatement and which indicates in their application that they will fully comply with the following requirements: (Ord. 8384)

- (A) The business is environmentally sound.
- (B) The business pays all employees in the abated project an average wage per employment category that meets or exceeds the average in the community as determined annually by the Kansas Department of Human Resources Wage Survey.
- (C) The business pays all covered employees a wage, at or above, an amount which is equal to one hundred thirty percent (130%) of the federal poverty

threshold for a family of three (3), as established by the United States Department of Health and Human Services, as further set forth in Section 1-2122 of this ordinance.

- (D) The business provides one of the following:
 - (1) The availability of covered employees to obtain an employer-sponsored health insurance policy, pursuant to employer guidelines, in which case the employer provides a minimum of seventy percent (70%) of the cost of such policy, or
 - (2) As an alternative to offering an employer-sponsored health insurance policy, the employer shall pay the covered employee a wage which is at least \$1.50 per hour above the amount required in (3.) above.
- (E) The proposed project and tax abatement results in a combined positive cost benefit ratio of 1:1.25 or greater over a 15 year period as determined by the City adopted benefit-cost model.

1-2122

WAGE FLOOR AND HEALTH INSURANCE REQUIREMENTS.

The requirements of Section 1-2121, subsections (C) and (D), may be referred to as the wage floor and health insurance requirements of this policy. The wage floor requirements shall be annually adjusted pursuant to the release of statistical information from the federal government, and the City shall notify in writing the businesses receiving a tax abatement, which are affected by the wage floor requirements. For 2009, the wage floor is \$11.43 per hour. These requirements shall apply to all employees of a business receiving a tax abatement at the specific real estate receiving the tax abatement, with the exception of a business that has Lawrence operations prior to the granting of a tax abatement in which case the wage floor and health insurance requirements shall apply to all employees in the abated project. (Ord. 8384)

The wage floor and health insurance requirements for tax abatements shall not apply to the following employees:

- (A) Employees employed in a bona fide or certified job training program for no more than 60 calendar days (once per employee);
- (B) Temporary employees working fewer than 100 hours per calendar year;
- (C) Employees with the status of student seasonal workers hired for not to exceed ninety calendar days; or
- (D) Employees of not-for-profit organizations.

Covered employees would not include subcontractors whose work is only incidental to plant operations. Suppliers, raw goods/material suppliers, landscape companies, construction contractors, delivery employees shall not be covered employees.

The wage floor and health insurance requirements shall not apply to employees covered by a collective bargaining agreement that provides a wage higher than the requirements of this ordinance.

In order to ensure compliances with the health and wage floor requirements, firms shall maintain payroll records for covered employees and shall preserve them for a period of two (2) years. The records shall contain:

- (E) The name and address of each covered employee;
- (F) The job title and classification;
- (G) The number of hours worked each day;
- (H) The gross wages earned and deductions made;
- (I) Records of health insurance payments made by the employee and employer; and
- (J) Additional information necessary to establish that an employee is exempt from the wage floor and health insurance requirements established in this section.

A copy of these records shall be provided to a third-party auditor to review and determine compliance with the requirements of this ordinance. Members of the Public Incentive Review Committee, City staff selected by the City Manager, or the City Commission may review these records in the custody of the third-party auditor but may not do anything to remove or destroy their confidential nature.

1-2123

AMOUNT OF TAX EXEMPTION.

It shall be the policy of the City to approve a tax abatement for the real property portion of a project if the project meets the requirements set forth in Sections 1-2121, 1-2122 and 1-2123 of this ordinance. In determining the actual amount of tax abatement to be granted to Kansas basic industries that meet the Economic Development Objectives of Section 1-2103 of this Ordinance, the City shall use as a guideline the following basic schedule: (Ord. 8522)

- (A) Up to fifty percent (50%) property tax abatement for ten years on investments greater than \$7 million in adjusted 2009 dollars and a minimum of 30 new jobs that meet the wage requirements as outlined in Section 1-2121 (B to D); or
- (B) If the firm has been on the Douglas County property tax rolls for more than 3 years, up to fifty percent (50%) property tax abatement for ten years on investments greater than \$5 million in adjusted 2008 dollars and a minimum of 20 new jobs that meet the requirements outlined in Section 1-2121 (B to D);
- (C) Investments that meet one or more of the following criteria, may receive a property tax abatement that exceeds fifty percent (50%):
 - (1) A company that has been on the Douglas County property tax rolls for at least three (3) years may receive up to an additional ten percent (10%) tax abatement;
 - (2) Capital investments that exceed \$10 million dollars in adjusted 2009 dollars may receive up to an additional five percent (5%) abatement;
 - (3) Projects constructed in compliance with Leadership in Energy and Environmental Design (LEED) criteria may receive up to an Additional five percent (5%) abatement for “Certified” or “Silver” certification, and ten percent (10%) for “Gold” or “Platinum” certification;

- (4) Unique site constraints or construction requirements that make development more difficult and costly may receive up to an additional five percent (5%) abatement;
- (5) A project that is seen as a catalyst for future projects in an economic development area of focus for the community, such as the biosciences, may receive up to an additional five percent (5%) abatement;
- (6) A project that is located in a targeted development location as defined by the City Commission, or a site that already has infrastructure in place such as an existing business park, may receive up to an additional five percent (5%) abatement; or
- (7) A project that is seen as providing exceptional wages given current market conditions, industry norms in Douglas County and other relevant business factors, may receive up to an additional ten percent (10%) abatement.

These criteria are additive. For example, a local firm that invested \$15 million in real property and received LEED gold certification on the new facility, may qualify for a property tax abatement of up to 75%. This abatement would include the 50% "Baseline" abatement, plus a 10% adjustment for being a local firm, plus a 5% adjustment for a capital investment exceeding \$10 million, plus a 10% adjustment for a LEED gold certification

- (D) The governing body may vary the amount, maximum, and duration of the abatement provided the net abatement to a business shall not reduce the net tax revenues as would be received pursuant to the above schedules to the local taxing units over ten (10) years.

The abatement term for projects considered under authority of Section 13 of Article 11 of the Kansas Constitution shall begin in the calendar year after the calendar year in which the business commences its operations. The abatement term for Industrial Revenue Bond (IRB) projects considered under authority of K.S.A. 12-1740 et seq. and K.S.A. 79-201a shall begin in the calendar year after the calendar year in which the bonds are issued.

1-2124

APPLICATION AND RENEWAL FEES.

Any business requesting a tax abatement pursuant to this ordinance shall pay to the City an application fee of \$500.00 which shall be submitted at the same time the application form required in Section 1-2105 is submitted. In addition, any business which has been granted a tax abatement shall pay an annual renewal fee in the amount of \$200.00. In addition to the application and renewal fees, the business seeking a tax abatement shall be responsible for any City costs associated with the retention of bond counsel, attorney costs, or auditing costs associated with abatement approval and review, auditing or industrial revenue bond issuance. (Ord. 8384)

1-2125

LETTERS OF INTENT.

For IRBs, the City Commission may issue a letter of intent, setting forth in general terms its proposed plans for granting a tax abatement and any conditions thereto. Such letters of intent shall be issued only as an expression of good faith intent and shall not in any way bind the City Commission to the granting of an abatement. Such letters of intent shall expire six months after issuance, but may be renewed. A public hearing shall not be required prior to the issuance of letters of intent. No elected or

appointed officer, employee or committee of the City, Chamber employee, or other public or private body or individual, shall be authorized to speak for and commit the City Commission to the granting of a tax abatement. Letters of intent issued by the City Commission shall supersede any letters issued by the Public Incentives Review Committee. (Ord. 8384)

1-2126

MINIMUM PAYMENT IN LIEU OF TAXES.

Any applicant receiving a tax abatement pursuant to this ordinance shall be required to make a minimum payment in lieu of taxes. The minimum payment shall equal the amount of property tax paid or was payable for the most recent year prior to the acquisition of the property by the new business or the construction of new buildings or added improvements to buildings. The purpose of requiring a minimum payment in lieu of taxes is to provide the City, the County, the School District and any other taxing jurisdictions affected by the abatement with as much tax revenue from the exempted property as was received prior to the abatement. (Ord. 8384)

1-2127

LEGAL AUTHORITY.

The governing bodies of Kansas counties and cities may exempt certain property used by Kansas basic industry for economic development purposes from taxes for a maximum of ten (10) years, in accordance with the provisions of Section 13 of Article 11 of the Kansas Constitution and the provisions of K.S.A 12-1740 et seq. and K.S.A 79-201a, subject to such limitations or prohibitions as may be enacted by the legislature. This authority is discretionary with the City, and the City may provide for tax abatements in an amount and for purposes more restrictive than that authorized by the Constitution or any such legislation. Pursuant to its home rule and statutory powers, the City may: (Ord. 8384)

- (A) Require the owners of any property for which an abatement is requested to provide certain information;
- (B) Condition the granting of an abatement to an agreement providing for the payment of in lieu charges or taxes; and
- (C) Require the payment of initial application and annual renewal fees reasonably necessary to cover the costs of administration.

1-2128

JURISDICTION.

The City shall grant tax abatements only as to property located within the City. The City will advise Douglas County and appropriate school districts on all applications. The City encourages the Board of County Commissioners to advise the City as to applications outside the City and within the three-mile area. (Ord. 8384)

1-2129

NOMINAL TAX DETERMINATION.

All tangible property of a business receiving a tax abatement under this ordinance shall be annually assessed by the County Appraiser in the same manner as if it were not exempt, but the amount exempted shall not be placed on the assessment rolls. The amount of the property taxes which would be payable shall also be determined annually by the County Clerk and Treasurer, in the same manner as if the property were not exempt. Separate assessment and tax calculations shall be made for the land and the improvements thereon. (Ord. 8384)

The County Clerk and Treasurer are requested to provide the City with this information as early as possible, but not later than November 15 of each year.

1-2130

SPECIAL ASSESSMENTS.

Any tax abatement granted for real property under this ordinance shall not affect the liability of such property for any special assessments levied or to be levied against such property. (Ord. 8384)

1-2131

PIRATING.

It is the intent of the City, the County and the Chamber to avoid participation in “bidding wars” between Kansas cities or areas competing for the relocation of an existing Kansas business through attempts to offer the largest tax incentive or other public inducement, which is detrimental to the state’s economy and the public interest. It is the policy of the City to discourage applications for tax abatements, or to grant tax abatements which deliberately encourage and cause the pirating of business from another Kansas community to this community. This policy does not preclude the providing of information to companies that inquire about Lawrence or are seeking an expansion rather than a relocation. It also does not preclude the granting of a tax abatement in those situations- where: (Ord. 8384)

- (A) The company has already made a decision to relocate or expand; or
- (B) The company is seriously considering moving out of state.

1-2132

NO UNFAIR ADVANTAGE.

A tax abatement will not be granted if the abatement would create, in the judgment of the City Commission, an unfair advantage for one business over another Lawrence business that competes for the same consumer market within the city. (Ord. 8384)

1-2133

TRANSFER OF OWNERSHIP OR USE.

No abatement or tax incentive granted by the City shall be transferred as a result of a change in the majority ownership of the business. Any new majority owner shall file a new application for a tax abatement. Further, the City shall be notified by the business of any substantive change in the use of a tax exempt property. (Ord. 8384)

1-2134

DISTRIBUTION OF REVENUE.

The granting of tax abatement by the City Commission is hereby declared to be a contract under the provisions of K.S.A. 12-147. The in lieu of taxes payment which may be required of a business granted a tax abatement under this ordinance shall be paid to the County Treasurer, with notice of the amount and date paid provided to the City. The County Treasurer is directed to apportion the payment to the general fund of all taxing subdivisions, excluding the state, which levies taxes on property where the business is situated. The apportionment shall be based on the relative amount of taxes levied, for any and all purposes, by each of the applicable taxing subdivisions. (Ord. 8384)

1-2135

EXEMPTION ORDINANCE.

The City Clerk shall provide a copy of the ordinance, as published in the official city newspaper, granting an abatement from taxation to the applicant for use in filing an initial request for tax exemption as required by K.S.A. 79-213 and by K.S.A. 79-210 for subsequent years. (Ord. 8384)

1-2136

EXEMPTION FORMS.

A copy of the exemption application required by K.S.A. 79-213 and 79-210, and the statement required by K.S.A. 79-214 for the cessation of an exempt use of property, shall be filed with the City Clerk by the property owner. (Ord. 8384)

1-2137

NO RETROACTIVE APPLICATION.

This ordinance shall only apply to tax abatements approved after the adoption of the ordinance, and shall not apply retroactively to previously approved abatements and projects. Tax abatements granted pursuant to earlier City policies and procedures

shall be governed by the City policy and procedures in effect upon the initial granting of the abatement. (Ord. 8384)

ARTICLE 22 ECO2 COMMISSION

- 1-2201 **ESTABLISHMENT OF COMMISSION.**
The ECO² Commission (pronounced “ECO Squared Commission”) is hereby established as a joint advisory commission to the City and the County. (Res. 6553)
- 1-2202 **PURPOSE OF COMMISSION.**
The ECO² Commission shall report to and advise both the City and the County on matters relating to its dual goals of (i) preservation, access, and management of open space, and (ii) acquisition of land, facilities and other supports to expand job opportunities in Douglas County, Kansas, including financing of both purposes. (Res. 6553)
- 1-2203 **GUIDING PRINCIPLES.**
The ECO² Commission shall be guided by the following three principles: (i) participation of landowners should be wholly voluntary and the ECO² Commission shall not recommend the involuntary taking of private property; (ii) to the extent possible and in order to maximally leverage available funds, the ECO² Commission shall emphasize partnerships with developers, land trusts, and other parties positioned to advance the dual goals of economic development and open space preservation; and (iii) the ECO² Commission should not break the dual goals of economic development and open space preservation and pursue either separately. (Res. 6553)
- 1-2204 **ADVISORY COMMISSION: ADDITIONAL DUTIES.**
The ECO² Commission shall initially serve in an advisory capacity. The City, the County, and other incorporated cities within Douglas County may, by separate agreement between themselves, assign additional duties and responsibilities to the ECO² Commission, including but not limited to preparing, approving and implementing the annual operating budget; managing acquired funding and real assets; hiring administrative staff; and entering into contracts in furtherance of the goals of the ECO² Commission. (Res. 6553)
- 1-2205 **NUMBER AND QUALIFICATIONS OF MEMBERS.**
The ECO² Commission shall be comprised of eight members, each of whom shall reside within the geographic boundary of Douglas County, Kansas and none of whom shall hold either a salaried position or elective office with any City government in Douglas County or the County government; provided, however, that the initial appointments made to the ECO² Commission in June of 2004 may include members who served on the ECO² Initiative prior to adoption of the Joint Resolution that do not reside in Douglas County. Those members shall be exempt from the residency requirement until their initial term of appointment expires. Membership on the ECO² Commission shall be voluntary and no member shall receive payment for service on the commission. (Res. 6553, Res. 6583)
- 1-2206 **APPOINTMENTS.**
The Mayor of the City and the Chair of the County Commission shall jointly appoint the members to the ECO² Commission upon recommendation of the ECO² Commission. In each case, appointments shall be made with the consent of a majority of each respective body. The appointments shall consist of the following: three members representing economic development interests, three members representing open space interests, and two members representing farm advocacy interests. (Res. 6553)

- 1-2207 **REGULAR TERMS: TERM LIMITS.**
ECO² shall recommend to the City and County Commissions a staggered term structure that provides for both continuity and the periodic introduction of new members and ideas. (Res. 6553)
- 1-2208 **INITIAL TERMS.**
ECO² shall recommend to the City and County Commissions initial term lengths that set in motion the staggered term structure noted in Section 1-2207. (Res. 6553)
- 1-2209 **INITIAL MEETING.**
The ECO² Commission shall initially convene at such time and place as shall be fixed by the Chair of the County and the Mayor of the City and shall thereupon proceed to organize and elect a Chair and Vice-Chair and to fix and determine times and places of future meetings. (Res. 6553)
- 1-2210 **BYLAWS.**
The ECO² Commission shall prepare bylaws to govern the Commission's structure and decision making process and shall submit said bylaws to the City and County for joint approval. At a minimum, the bylaws shall require the same representative structure of the Commission's members as set forth in this Resolution and shall further require the affirmative vote of at least three-fourths of all then-current members appointed and serving on the Commission to recommend project funding or take other significant Commission-related action. Until such time that the bylaws are prepared and approved by the City and County, the Commission shall have a Chair who shall call and preside over all meetings of the Commission and a Vice-Chair who shall serve in the absence of the Chair. (Res. 6553)
- 1-2211 **OPEN MEETINGS AND OPEN RECORDS.**
All meetings of the ECO² Commission shall be held in compliance with the Kansas Open Meetings Act and its records shall be subject to the Kansas Open Records Act. (Res. 6553)
- 1-2212 **WITHDRAWAL BY CITY OR COUNTY.**
Either the City or the County may withdraw its support of the ECO² Commission and terminate the ECO² Commission's role with respect to such body upon not less than thirty (30) days notice to the other governmental body. (Res. 6553)
- 1-2213 **EVALUATION OF COMMISSION.**
Both the County and City shall, approximately five years from the effective date of this Resolution, review whether the continued existence of the ECO² Commission is necessary or desirable, and if so, whether any amendments should be made to this Resolution or to the responsibilities of the ECO² Commission. If neither the County of the City takes formal action to terminate the continued existence of the ECO² Commission or make any amendments to this Resolution or the ECO² Commission's responsibilities, the ECO² Commission shall continue according to the provisions of this Resolution. (Res. 6553)

ARTICLE 23. RESERVED

ARTICLE 24. COMMUNITY COMMISSION ON HOMELESSNESS

- 1-2401 **COMMISSION ESTABLISHED.**

The Community Commission on Homelessness is hereby established as an advisory commission to the City. (Res. 6608)

1-2402

PURPOSE OF COMMISSION.

The Community Commission on Homelessness shall report to and advise the City on matters relating to its goal of working with existing service providers and agencies to facilitate and make recommendations regarding the implementation of the plan. (Res. 6608)

1-2403

DUTIES OF THE COMMISSION.

The Community Commission on Homelessness shall have the following duties: review the implementation of the Homeless Services Plan; evaluate progress toward stated goals and programs; develop a ten-year plan to end chronic homelessness; and facilitate communication between interested stakeholders. The Commission shall be an advisory body to the City Commission and may make reports and findings to other appropriate governmental bodies in Douglas County. The Commission shall: use the adopted plan as a guide in the direction of Commission work, monitor service effectiveness, gather opinions and concerns of those experiencing homelessness, produce and deliver an annual report assessing the implementation and progress of the Task Force Plan, the 10-year plan, and include information from annual or semi-annual surveys of homeless persons to the City Commission, establish a broad-based funding plan after exploring varied funding possibilities, and be instrumental in the establishment of the Community Cooperation Committee. The Commission shall have the charge of making such recommendations to the City Commission as it determines appropriate for the advancement of appropriate services for the homeless. The Commission shall have the authority to recommend amendments to the Final Report for consideration by the City Commission which may adopt such amendments by resolution. (Res. 6608)

1-2404

NUMBER AND QUALIFICATION OF MEMBERS.

The Community Commission on Homelessness shall be comprised of eleven members, each of whom shall reside within the city limits of the City of Lawrence. Membership on the Commission shall be voluntary and no member shall receive payment for service on the Commission. (Res. 6608)

1-2405

APPOINTMENTS.

The Mayor of the City shall appoint the members to the Community Commission on Homelessness with the consent of the City Commission. The appointments shall consist of a diverse group representing neighborhood organizations, neighborhood residents, community members who are homeless or have experienced homelessness, the Lawrence Police Department, businesses, landlords, service providers, city and county governments, funding entities, private sector housing providers, faith-based organizations, and health service providers. (Res. 6608)

1-2406

REGULAR TERMS, TERM LIMITS.

Each member of the Community Commission on Homelessness shall be appointed to serve a term of three years and no individual shall be reappointed if the individual has already served two full consecutive terms. For purposes of determining eligibility for reappointment, the unexpired term of more than two years of an individual appointed to fill the unexpired term shall count as a full term. In addition, an initial term (as set forth in Section 1-2407) of two years shall count as a full term, but an initial term of one year shall not count as a full term. (Res. 6608)

1-2407

INITIAL TERMS.

Notwithstanding the provisions of Section 1-2406, the initial appointments shall be as follows: three members for a term of one year, four members for a term of two years, and four members for a term of three years. After expiration of the initial terms as

set forth in this Section, all terms shall be for three years as set forth in Section 1-2406. The terms of the initial members of the Commission shall commence on the first day of the month in which this Resolution becomes effective, regardless of the date of actual appointment. Regardless of the date of appointment, the expiration date of any particular term will be on December 31 of the appropriate year. (Res. 6608)

1-2408 **INITIAL MEETING.**
The Community Commission on Homelessness shall initially convene at such time and place as shall be fixed by the Mayor of the City (or his/her designee) and shall thereupon proceed to organize and elect a Chair and Vice-Chair and to fix and determine times and places of future meetings. (Res. 6608)

1-2409 **BY-LAWS.**
The Community Commission on Homelessness shall prepare bylaws to govern the Commission's structure and decision making process. At a minimum, the bylaws shall require the same representative structure of the Commission's members as set forth in this Resolution and shall further require the affirmative vote of a majority of all then-current members appointed and serving on the Commission to make recommendations or take other significant Commission-related action. Until such time that the bylaws are prepared, the Commission shall have a Chair who shall call and preside over all meetings of the Commission and a Vice-Chair who shall serve in the absence of the Chair. The City Commission shall approve the by-laws prior to the effectiveness of the by-laws. (Res. 6608)

1-2410 **OPEN MEETINGS AND OPEN RECORDS.**
All meetings of the Community Commission on Homelessness shall be held in compliance with the Kansas Open Meetings Act and its records shall be subject to the Kansas Open Records Act. (Res. 6608)

1-2411 **EVALUATION OF COMMISSION.**
The City shall routinely review whether the continued existence of the Community Commission on Homelessness is necessary or desirable, and if so, whether any amendments should be made to this Resolution or to the responsibilities of the Community Commission on Homelessness. If the City takes no formal action to terminate the continued existence of the Community Commission on Homelessness or make any amendments to Resolution 6608, or to the Community Commission on Homelessness, the Community Commission on Homelessness shall continue according to the provisions of Resolution 6608. (Res. 6608)

ARTICLE 25. LAWRENCE CITIZEN ADVISORY BOARD

1-2501 **ESTABLISHMENT OF ADVISORY BOARD.**
The Lawrence Citizen Advisory Board is hereby established. (Ord. 7936)

1-2502 **PURPOSE OF ADVISORY BOARD.**
The purpose of the Lawrence Citizen Advisory Board is to advise and assist the City of Lawrence and its police department in policy development, education, community outreach and communications related to racial profiling. (Ord. 7936)

1-2503 **SPECIFIC DUTIES OF ADVISORY BOARD.**

The Lawrence Citizen Advisory Board shall: (Ord. 7936)

1. Review Lawrence Police Department policies regarding racial profiling and make recommendations to the Police Chief for the amendment of those

policies or the adoption of additional policies on that subject as it deems necessary.

2. Review the Police Department's annual training on racial profiling, and if necessary suggest substitute or additional training to prevent racial profiling, and, at its discretion, participate in such training.
3. Assist the Police Department with community outreach opportunities involving racial profiling prevention.
4. Advise the Police Department about community concerns related to racial profiling.
5. Receive annual reports regarding racial profiling from the Police Department no later than January 31st of each year. Such report shall be presented to the Lawrence Citizen Advisory Board prior to its submission to the Kansas Attorney General. At a minimum, the report shall include the following information regarding each complaint of racial profiling lodged against the Police Department or any of its employees in the preceding calendar year:
 - a. The date the complaint was filed.
 - b. Actions taken in response to the complaint.
 - c. The decision made in disposition of the complaint.
 - d. The date the complaint was closed.
6. Report to the City Commission from time to time regarding its activities, including an annual report to be presented to the City Commission at the first regularly scheduled Lawrence City Commission meeting following January 31st of each year.
7. Review and render advice on such other matters related to racial profiling as are assigned to the advisory board by the Chief of Police, City Manager, or City Commission.

1-2504

MEMBERSHIP.

The Lawrence Citizen Advisory Board shall consist of seven members. Each member shall be a resident of the City of Lawrence, Kansas. Membership is voluntary and no voting member shall receive payment for service on the Advisory Board. Members will be appointed by the Mayor with the consent of the City Commissioners. In making the appointments, the Mayor shall include participants who reflect the racial and ethnic makeup of the community. The Chief of Police may designate an employee of the City to be his liaison to the Advisory Board, and such designee shall serve as a nonvoting, *ex officio* member of the Advisory Board. (Ord. 7936)

1-2505

TERMS.

Voting members of the Lawrence Citizen Advisory Board shall serve three year terms, except that when making the initial appointments the Mayor shall designate that two specified members have a one year initial term and that two other members have a two year initial term in order to stagger the expiration of the terms of service. There is no limit to the number of terms that an individual may serve on the Advisory Board. Upon the resignation of any such member, the Mayor, with consent of the City Commission, shall appoint a new member to serve the unexpired portion of the

resigning member's term. The Chief of Police's designee shall serve at the pleasure of the Chief of Police. (Ord. 7936)

1-2506

MEETINGS.

Each year, one member shall be elected by the members of the Lawrence Citizen Advisory Board to be the Board Chairperson, who shall preside at meetings. The initial meeting shall be at a time and date specified by the Mayor. All subsequent meetings shall be as called by the Board Chairperson, the Chief of Police, or by a majority of the members of the Advisory Board. At least one meeting shall be held quarterly. The meetings shall be subject to all applicable provisions of the Kansas Open Meetings Act. The Advisory Board shall prepare and approve minutes of each of their meetings, which shall be forwarded to the City Commission. (Ord. 7936)

1-2507

DECISIONS AND PROCEDURES OF THE BOARD.

Recommendations of the Lawrence Citizen Advisory Board shall be approved by majority vote of the members present and voting. The Advisory Board shall adopt any lawful rules, regulations and by-laws it deems necessary for its operation. Such rules, regulations and by-laws shall be submitted to the City Commission and shall become effective upon approval by the City Commission. (Ord. 7936)

1-2508

SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance or article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance or article. (Ord. 7936)