

RESOLUTION NO. 1934

A RESOLUTION PROVIDING FOR THE ADOPTION OF A REVISION TO THE PERSONNEL POLICIES AND PROCEDURES, 2010 EDITION, FOR THE CITY OF GARDNER, KANSAS.

WHEREAS, the City of Gardner now deems it advisable to update uniform personnel policies and procedures for employees of the City of Gardner; and

WHEREAS, it is the intent of the City Council of the City of Gardner to revise Section 2-104.14 "Possession of Firearms";

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Section 2-104.14 is amended to read as follows:

2-104.14 Possession of Firearms.

Employees and officials, who are not otherwise prohibited by state or federal law, may carry a concealed handgun, consistent with the Personal and Family Protection Act, as amended, into City buildings, where the carrying of a concealed handgun is allowed under the provisions of state law.

- a. Any employee carrying a concealed handgun within a City building pursuant to the provisions of state law must keep said handgun completely concealed, in a proper holster or similar product, with all safety features in place.
- b. Storage of Concealed/Carry Firearms: It is the sole responsibility of the employee to maintain control of his/her concealed firearm and ammunition by ensuring that such firearm is on his or her person and attended to at all times.
- c. Employees are also permitted while on City owned property to store a firearm within their own vehicle provided that such storage is outside of plain view from the exterior of the vehicle and that the vehicle is locked when the employee is not in the vehicle.
- d. An employee who stores a concealed firearm in a vehicle owned by the City of Gardner during the course of employment must store the firearm in a locked case and place the case out of plain view from the exterior of the vehicle. It is the responsibility of said employee to purchase the locked case at his or her personal expense. The City shall not be responsible for the theft, damage or other loss of a firearm and/or locked case left in a City owned vehicle.
- e. Other than certified law enforcement officers, it is outside of the course and scope of employment for any City employee or contractor to brandish, intentionally display, use, discharge, point or threaten any person with the use of a weapon in the workplace or in the exercise of his or her duties.
- f. An employee's failure to maintain a firearm in a concealed manner or locked as described herein could result in discipline, up to and including termination.
- g. In the event that a City employee or official discharges a firearm while on duty, the Gardner Police Department shall investigate the discharge and file a report of investigation with the City Administrator. Based on such report, the city Administrator,

or designee, will determine whether it constitutes grounds for disciplinary action, up to and including termination. The discharge of a firearm while on duty may also result in criminal charges.

Subject to other policies and procedures of the City of Gardner and Kansas law, law enforcement officers are the only individuals authorized to use deadly force while acting for and on behalf of the City of Gardner. Under no circumstances will any other employee use deadly force as a function of their job. Employees who are not authorized to use deadly force do not have the immunities and are not entitled to the same indemnity afforded law enforcement and other employees authorized to carry firearms within the scope of their employment. The City will not provide for, reimburse, or pay attorney fees or other costs in defense of any employee who uses deadly force if the use of deadly force is not a function of said employee's job.

SECTION TWO: These updated Personnel Policies and Procedures, 2010 Edition, supersede any rules, regulations or policies in conflict herewith, and.

SECTION THREE: This Resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City of Gardner.

ADOPTED by the Governing Body of the City of Gardner, Kansas, this 19th day of October, 2015.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz
Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk
Ryan B. Denk, City Attorney