ORDINANCE NO. 2609

AN ORDINANCE AMENDING ORDINANCE NO. 2569 OF THE CITY OF GARDNER, KANSAS,

WHEREAS, the Governing Body of the City has determined that it is necessary to amend Ordinance No. 2569, an ordinance creating a Board of Building Code Appeals of the City of Gardner Kansas.

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

SECTION ONE. Section 2 of Ordinance 2569 is hereby repealed and replaced by the following:

Section 2. Same - Organization

(a) Number of Board Members. The Board shall consist of five members, hereafter referred to as Members.

(b) Appointment and tenure. The Members shall be nominated by the Mayor and confirmed by the City Council. Members shall be appointed to serve three year terms. In the event of vacancies, the appointments shall be for the unexpired terms.

(c) *Vacancies.* A vacancy on the board shall be effective on the date stated in the individuals' written notice of resignation filed with the Mayor or the date they become ineligible to serve in such position, whichever comes first. No vacancy on the board shall impair the right of the remaining members to exercise all powers of the body.

(d) *Interview Team.* The Mayor and two Councilmembers selected by the Mayor (the Interview Team) are charged with the responsibility of recommending individuals, by unanimous consent, to serve on the board, subject to the approval by majority vote of the Council.

(e) *Time for filling vacancies.* In the event of a vacancy the board, the Interview Team shall submit to the City Council a recommendation to fill the vacancy within sixty (60) days from the date the office became vacant. In addition to the sixty (60) days, for good cause and upon a majority vote of the Council members present and voting, the Interview Team may extend for up to an additional thirty (30) days, the time stated to make the recommendation to fill a vacancy. Good cause shall be determined by the City Council and include but not be limited to such events as a death in office, illness, insufficient or inadequate candidates, legal holidays, or the timing of the next regular Council meeting at which a nominee would be considered for appointment.

(f) Eligibility. An individual is only eligible for appointment to and may serve as a member of only one City board or commission at any given time.

(g) Appointment Process

I. Basis for consideration. Consideration for appointment shall be based upon a completed Public Service Application, meeting basic qualifications, and interview results.

II. *Public service applications*. Public Service Applications are available on the City's website and may be submitted electronically through the website or may be printed and returned to City Hall in person or via the United States Post Office. Paper applications will be available at City hall via the City Clerk's office. All Public Service Applications are to be kept on file in the City Clerk's office for a period of one calendar year from the date of receipt.

III. *Notification of Openings*. The City Clerk will coordinate the appointment process beginning with the notification to the general public of openings on all boards and commissions. Openings will be advertised for two weeks via the City's website (www.gardnerkansas.gov), and other official City social media outlets.

IV. *Application Review*. Following the two week notification period, the City Clerk shall provide to the Governing Body the applications on file for the specified opening. The Council will then be given one week to advise the City Clerk only of any personally known potential issues with any of the candidates or to offer a personal recommendation for a candidate or candidates from the pool of applicants. The City Clerk will call upon the City Council to submit the names of potential candidates should there be no applications for appointment on file.

V. *Candidate Interviews*. An additional two weeks will be set aside for the conducting of candidate interviews by the Interview Team. A Board/Commission representative and the City Administrator (or the City Administrator's designee) may participate in the interviews at the request of the Interview Team. Should the number of qualified applicants for a position be less than or equal to the number of positions available, the interview team may make a unanimous decision to nominate the applicant or applicants without an interview.

VI. *Candidate Nomination*. The Interview Team will have one week after the conclusion of candidate interviews to unanimously choose a nominee which they will bring forward to the City Council for consideration.

VII. *Appointment as part of the City Council meeting agenda*. The City Council will consider the appointment as part of the consent agenda at their first regular meeting after the Interview Team has selected a nominee.

(h) Compensation. Members serve on a volunteer basis and shall not be compensated for their services. Members may be reimbursed for expenses incurred in carrying out their duties.

(i) Officers. The Board by majority vote shall elect from among its Members a Chairperson who shall preside over the meetings of the Commission, and a Vice-Chairperson who shall act for the Chairperson during absences. Election of officers shall be held annually at the first regular meeting of the calendar year. No Member shall serve for more than two consecutive terms as an officer.

(j) Removal. A majority of the Governing Body may remove any appointed board member at any time for good and sufficient cause. Cause shall include but not be limited to, any violation of any applicable law, regulation or policy; neglect of duty;

and failure to comply with the appointive body attendance policy. If such removal occurs, the vacancy shall be filled by Mayoral appointment, subject to the approval of the Council.

(k) *Attendance.* Attendance shall be recorded by the Department Director or a staff member designated by the Department Director of the Board and member attendance tracked by the same. Appointees violate the attendance policy if they receive notice of meetings and without excuse miss three (3) consecutive meetings or attend fewer than two-thirds (2/3) of the regular or special meetings of the board or commission on which they serve within the twelve (12) month period following the member's appointment, or an anniversary date thereof. "Excuse" shall mean more than inconvenience and includes illness or family emergency. Business commitments shall not be a good excuse. Violation of the attendance policy will be reported to the City Clerk and the Mayor.

(l) *Reappointment.* Board members wishing to be considered for reappointment after their term has expired shall follow the process as outlined above. When a member of the Board has served for a period of six consecutive years, that member generally will not be eligible for reappointment until the member has vacated the position for one full term. Board members may be reappointed beyond the six-year limit under exceptional circumstances.

SECTION TWO. Effective Date of Ordinance. This Ordinance shall be in full force and effect after its passage by the Governing Body of the City and publication one time in the official City newspaper.

PASSED BY THE CITY COUNCIL OF THE CITY OF GARDNER, KANSAS AND SIGNED BY THE MAYOR ON this 18th day of March, 2018.

CITY OF GARDNER, KANSAS

(SEAL)

/s/

Steve Shute, Mayor

Attest:

/s/

Amy Nasta, City Clerk

Approved as to form:

/s/

Ryan B. Denk, City Attorney