

Chapter 2.09
CITY MANAGER/GOVERNING BODY

Sections:

Article I. General Provisions

- 2.09.060 Officer to perform duties of City Manager.
- 2.09.070 Application of 2.09.060.

Article II. Rules of Business

- 2.09.080 Authority to establish procedures.
- 2.09.090 Procedures.
- 2.09.100 Review.
- 2.09.110 Quorum. (Repealed)
- 2.09.120 Agenda - Order of business - Hearings. (Repealed)
- 2.09.125 Times; Hearings. (Repealed)
- 2.09.130 Preservation of order. (Repealed)
- 2.09.140 Addressing chair. (Repealed)
- 2.09.150 Limitation on speaking. (Repealed)
- 2.09.160 Point of order. (Repealed)
- 2.09.170 Motions. (Repealed)
- 2.09.180 Resolutions. (Repealed)
- 2.09.190 Questions under debate. (Repealed)
- 2.09.200 Voting. (Repealed)
- 2.09.210 Order of questions - Privileged questions. (Repealed)
- 2.09.220 Committees containing whole Governing Body. (Repealed)
- 2.09.230 Rules of committee of the whole. (Repealed)
- 2.09.240 Motion for committee to rise and report. (Repealed)
- 2.09.250 Proceedings of committee of the whole to be entered on record. (Repealed)
- 2.09.260 Appointments to standing and special committees. (Repealed)
- 2.09.270 Members of standing committees. (Repealed)
- 2.09.280 Duties of committees. (Repealed)
- 2.09.290 Meetings open to public - Exception. (Repealed)
- 2.09.300 Matters not covered to be governed by Robert's Rules of Order. (Repealed)
- 2.09.310 Temporary suspension of rules. (Repealed)

Article III. Emergency Powers

- 2.09.320 Determination of emergency - Powers of mayor or authorized person.
- 2.09.330 Effective date of proclamation of emergency.
- 2.09.335 Succession of emergency powers.
- 2.09.340 Termination or extension of proclamation of emergency.
- 2.09.350 Violation of 2.09.320 through 2.09.340.
- 2.09.360 Form for proclamation of emergency.

[Next Page is 2-200]

ARTICLE I. GENERAL PROVISIONS

2.09.060 Officer to perform duties of City Manager.

The City Manager shall have the power to designate a city official as acting City Manager to perform any and all duties of the office of City Manager whenever he shall be absent from his office or the community by reason of illness, vacation, business or any other reason, for a period of more than one day.

(History: Ord. ACM-799 §1, 74; ACM-404 §1, 66)

2.09.070 Application of 2.09.060.

In the event the City Manager is incapacitated or for any other reason is unable to designate an acting City Manager or the City Manager is absent from his office due to illness, extended leave, vacation or any other reason for a period of time exceeding one month, the Governing Body shall designate a city official to serve as acting City Manager.

(History: Ord. ACM-799 §2, 74; ACM-404 §2, 66)

[Next Page is 2-300]

ARTICLE II. RULES OF BUSINESS

2.09.080 Authority to establish procedures.

The Governing Body may, by resolution, establish rules of procedures to govern its meetings and those of committees of the council.

(History: Ord. ROB-926 §1, 77; ROB-506 §1, 68)

2.09.090 Procedures.

All rules of procedure so adopted shall be included and maintained in a separate section of the Policy Manual of the city. The City Clerk shall have responsibility for maintenance of that manual.

(History: Ord. ROB-926 §2, 77; ROB-506 §1, 68)

2.09.100 Review.

The Finance and Administration Committee shall have the duty to hear requests for revision of all council procedures and make recommendations to the Governing Body for action.

In addition, the committee shall review all procedures at least once every two years and recommend changes.

(History: Ord. ROB-926 §3, 77; ROB-506 §1, 68)

2.09.110 Quorum.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1, 71; ROB-506 §1(Rule 3), 68)

2.09.120 Agenda - Order of business - Hearings.

Repealed.

(History: Ord. ROB-926 §4, 77; AP-853 §1, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 4), 68)

2.09.125 Times; Hearings.

Repealed.

(History: Ord. ROB-926 §4, 77; AP-853 §2, 75)

2.09.130 Preservation of order.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 5), 68)

2.09.140 Addressing chair.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 6), 68)

Chapter 2.09

2.09.150 Limitation on speaking.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 7), 68)

2.09.160 Point of order.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 8), 68)

2.09.170 Motions.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 9), 68)

2.09.180 Resolutions.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 10), 68)

2.09.190 Questions under debate.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 11), 68)

2.09.200 Voting.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506,B §1, 70; ROB-506 §1(Rule 12), 68)

2.09.210 Order of questions - Privileged questions.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 13), 68)

2.09.220 Committees containing whole Governing Body.

Repealed.

(History: Ord. AP-853 §3 and §44, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 14), 68)

2.09.230 Rules of committee of the whole.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 15), 68)

2.09.240 Motion for committee to rise and report.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 16), 68)

2.09.250 Proceedings of committee of the whole to be entered on record.

Repealed.

(History: Ord. ROB-926 §4, 77; AP-853 §4, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 17), 68)

2.09.260 Appointments to standing and special committees.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-818 §1, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 18), 68)

2.09.270 Members of standing committees.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-818 §2, 75; ROB-506,C §1(part), 71; ROB-506,A §1, 70; ROB-506 §1(Rule 19), 68)

2.09.280 Duties of committees.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 20), 68)

2.09.290 Meetings open to public - Exception.

Repealed.

(History: Ord. ROB-926 §4, 77; AP-853 §5, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 21), 68; Ch. 319, 1972 Session Laws)

2.09.300 Matters not covered to be governed by Robert's Rules of Order.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 22), 68)

2.09.310 Temporary suspension of rules.

Repealed.

(History: Ord. AP-853 §6 and §44, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 23), 68)

[Next Page is 2-400]

ARTICLE III. EMERGENCY POWERS**2.09.320 Determination of emergency - Powers of mayor or authorized person.**

When in the judgment of the mayor a civil emergency is deemed to exist, the mayor shall proclaim in writing the existence of such an emergency. Any proclamation declaring a civil emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

For the purposes of this ordinance, a civil emergency shall be defined as:

- A. A riot or unlawful assembly, or any civil disobedience, characterized by the use of actual force or violence or any threat to use force accompanied by the apparent power to execute such force;
- B. Any natural disaster or human-made calamity including, without limitation, flood, conflagration, tornado, earthquake or explosion within or affecting the City resulting in the occurrence or threat of death or injury of persons or the damage or destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety or welfare.

After proclamation of a civil emergency by the mayor, the mayor, in the interests of public health, safety or welfare, may exercise any or all of the following powers:

- A. Order a general curfew applicable to such geographic areas of the City or to the City as a whole, as deemed advisable, and applicable during such hours of the day or night as deemed necessary in the interest of the public health, safety or welfare. For the purposes of this section, a curfew is defined as a prohibition against any person or persons walking, running, loitering, standing or being in or on any vehicle upon any alley, street, highway, public property or vacant premises within the City during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to the civil emergency or other official duties;
- B. Order the closing of all retail liquor stores, drinking establishments, taverns or any other public or private premises where the sale, distribution, dispensing, giving away or consumption of intoxicating liquor, beer or cereal malt beverage is permitted;
- C. Order the closing of gasoline stations and other establishments which sell, distribute, dispense or give away flammable or combustible products;
- D. Order the closing of any or all establishments or portions of those establishments which sell, distribute, dispense or give away firearms, ammunition or other potentially dangerous weapons or instrumentalities that can be used as weapons, projectiles or ammunition, or any other item that presents a threat due to the nature of the emergency;
- E. Order the discontinuance of the sale, distribution, dispensing or giving away of any of the items covered by subsection (b), (c) and (d);

Chapter 2.09

- F. Order that no person within the City may consume any alcoholic beverage in a public street or place or in any vehicle driven or parked within a designated area;
- G. Order that no person within the City shall carry or possess any rock, bottle, club, brick, weapon, projectile or other object capable or being used unlawfully against the person or property of another;
- H. Order that no person within the City may make, carry, possess or use any type of incendiary device or fire bomb;
- I. Order the complete or limited evacuation of any designated area of the City and order that no person shall enter any area designated by the mayor as a restricted area unless in the performance of official duties or with permission from the mayor or the mayor's duly designated representative;
- J. Issue any other order that the mayor deems imminently necessary for the protection of life or property;
- K. To call upon regular and auxiliary law enforcement agencies and within or without the city, including the sheriff's department under provisions of mutual emergency policy protection compact, to assist in preserving and keeping the peace within the City;
- L. To order that any and all of said regular and auxiliary law enforcement agencies, organizations and their individual officers shall have the full power and authority to make arrests and to act on behalf of the City in order to enforce the provisions provided for herein and any and all other City ordinances that might be violated as a result of any mob action or other civil disobedience;
- M. To enter into a mutual protection compact with any and all governing bodies within the Kansas City Metropolitan area.
- N. To make effective the policies and procedures set forth in the City of Overland Park Emergency Operations Plan.

(History: Ord. EGA-1928 §1, 95; EGA-834 §1, 75; MA-450 §2,67)

2.09.330 Effective date of proclamation of emergency.

The Proclamation of Emergency shall become effective upon its issuance and dissemination to the public by appropriate news media.

(History: Ord. EGA-834 §2, 75)

2.09.335 Succession of emergency powers.

If the mayor is not able to exercise the powers and discharge the duties specified in this ordinance, or is unavailable, the order of succession for the exercise of emergency powers shall be as follows:

- A. The Council President;
- B. The Chairpersons of the Council Committees in the following order: Public Safety; Public Works; Finance, Administration and Economic Development; and Community Development.

If all such officers are not able or are unavailable to discharge the emergency powers specified in this ordinance, the City Manager, or the official designee of the City Manager, shall exercise these powers.

(History: Ord. EGA-2641 §1, 2006; EGA-1928 §2, 95)

2.09.340 Termination or extension of proclamation of emergency.

Any civil emergency proclaimed in accordance with the provisions of 2.09.320 through 2.09.350 shall terminate after a period of seven days from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be terminated sooner or may be extended for such additional periods of time as determined necessary by resolution of the Governing Body.

(History: Ord. EGA-1928 §3, 95; EGA-834 §3, 75; MA-450 §3, 67)

2.09.350 Violation of Sections 2.09.320 through 2.09.340.

Any person who shall willfully fail or refuse to comply with the terms of any proclamation of a civil emergency or any order issued pursuant to that proclamation or the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency as authorized herein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1.12.010.

(History: Ord. EGA-1928 §4, 95; EGA-834 §4, 75; MA-450C §1, 70)

2.09.360 Form for proclamation of emergency.

A form to be used in the declaration of a civil emergency, approved by the City Attorney and the Mayor, shall be kept readily available by the City Clerk, the City Manager and the Emergency Preparedness Coordinator. If an emergency situation should make such form unavailable, any written document signed by the Mayor or designated successor shall suffice.

(History: Ord. EGA-1928 §5, 95; EGA §5, 75; MA-450)

[Next Page is 2-500]