

City Council Policy Manual



Just right.

**CITY OF MERRIAM, KANSAS
CITY COUNCIL POLICY MANUAL
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POLICY NO. 101

CITY ADVERTISING IN PUBLICATIONS

- 1.01 The policy of the City of Merriam shall be to approve payment for advertising in local publications for special events in the City such as the Turkey Creek Festival or other similar events, without City Council action. Other advertising must be approved in advance by the City Council Finance and Administration Committee.
- 1.02 In no case shall advertising costs exceed \$500 without the express prior consent of the Finance and Administration Committee.
- 1.03 In the annual budget, a sum for advertising may be approved. All requests for advertising must be within the approved limits and within budget authorization levels.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989
REPEALED BY THE GOVERNING BODY ON AUGUST 9, 2010

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POLICY NO. 102

BUDGET AMENDMENTS

- 1.01 It shall be the policy of the City of Merriam to authorize budget amendments as follows:
- a. Budget amendments between line items within the same object classification (account groupings such as “Personal Services” or “Contractual Services”) may be approved by the City Administrator.
 - b. Budget amendments between line items outside of the same object codes but within the same department budget shall be approved by the City Administrator and ratified by the City Council.
 - c. Budget amendments between departments shall be approved by the City Council upon the recommendation of the City Administrator and Finance Director.
 - d. Budget amendments between funds shall follow the standard process in conformance with State Statutes.
- 1.02 No purchases which exceed budget authority as amended through the process described above shall be authorized for payment.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010
AMENDED BY THE GOVERNING BODY ON MARCH 13, 2017

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POLICY NO. 103

DONATIONS OF PUBLIC FUNDS

- 1.01 Occasionally, the City is asked to donate public funds to organizations or groups. It shall be the policy of the City to donate public funds only to charitable or eleemosynary organizations which have:
- a. a clear link to the City through City membership or sponsorship, or
 - b. a clearly defined public purpose which complements the City's purposes.
- 1.02 In each case, requests for contributions shall be made to the City Council and shall first be reviewed by the City Attorney to determine the legality of the contribution. Applicants have the burden of defining the role of their organization and how it qualifies under Section 1.01 a and b herein.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010

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POLICY NO. 104

APPROVED BUSINESS-RELATED EXPENSES FOR ELECTED OFFICIALS

- 1.01 This policy clarifies the approved business-related expenses for elected officials. The policies governing employees are covered in the City's Personnel Rules and Regulations.
- 1.02 The City will reimburse elected officials for business-related expenses including travel expenses, meals, conference registration, hotel, and other incidental expenses for the elected official only (not for spouses or families) for attendance at conferences and meetings as authorized by the Mayor and within budget amounts.
- 1.03 The City will reimburse elected officials for meals and expenses for hosting officials from out of town on City business with the approval of the City Administrator.
- 1.04 The City will reimburse elected officials for miscellaneous expenses with the approval of the City Administrator.
- 1.05 The City will pay for the attendance of an elected official and for his or her guest at either the annual Council of Mayors Christmas Dinner or at the annual meeting of the Northeast Johnson County Chamber of Commerce.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010

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POLICY NO. 105

RELATIONS BETWEEN ELECTED OFFICIALS AND CITY STAFF

- 1.01 It shall be the policy of the City to direct communication between elected officials and City staff through the City Administrator.
- 1.02 Members of the Governing Body will forward all requests for service through the City Administrator. If the City Administrator is absent from the city, action requests or directives to the staff shall be routed through the City Clerk or the administrative designee, to appropriate department heads, to the City Council or to the Mayor.
- 1.03 Requests for information that do not involve action on the part of the City staff may be made directly to the City staff without contact with the City Administrator. However, staff members having such contacts with elected officials should report them to the City Administrator.
- 1.04 In public and private, the elected officials and City staff shall treat one another with respect and in a professional manner. Concern about the unprofessional conduct of a staff member or of a City Councilperson should be discussed with the City Administrator.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010

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POLICY NO. 106

EXPENDITURE AUTHORIZATION

- 1.01 The City Administrator is authorized to spend according to the Citywide approved budget.
- 1.02 Department heads are authorized to spend according to their approved budget, exclusive of purchases greater than \$5,000, which must be approved by the City Administrator.
- 1.03 Purchases of goods, services or professional services from \$5,000 through \$30,000 shall be approved by both a department head and the City Administrator.
- 1.04 For purchases of goods, services or professional services over \$30,000 the City Administrator shall cause requests for bids, proposals or qualifications to be solicited, and shall forward the purchase recommendation to the City Council. If awarded, it will be the responsibility of the City Administrator to make the appropriate expenditures in accordance with the bid or contract approved by City Council.
- 1.05 City Administrator may waive requirements to issue requests for bids, proposals or qualifications in case of an emergency or disaster in order to insure public safety or to continue critical City operations. Such purchases may be made from the City's General Fund Contingency account.
- 1.06 The City Council may waive the requirement to issue bids for construction of public improvements over \$30,000 if determined to be in the City's best interest.
- 1.07 A listing of capital equipment purchases over \$5,000 will be presented monthly to the City Council and will be available to the public in the City Clerk's Office.
- 1.08 The City Administrator has the authority to approve change orders up to a cumulative total of 5% of the bid or proposal and not more than \$30,000. The cumulative total of change orders exceeding \$30,000 or 5% of the bid or proposal must be approved by the City Council. For Capital Improvement Projects, the change order expenditure(s) authorized by the City Administrator as per this section must be within the project budget as approved by the City Council.
- 1.09 For purposes of this policy, the term "City Administrator" or "department head" may also refer to his/her designee.

APPROVED BY THE GOVERNING BODY ON JANUARY 25, 1993.

REVISED BY THE GOVERNING BODY ON JUNE 24, 2002.

AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010

AMENDED BY THE GOVERNING BODY ON DECEMBER 12, 2011

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POLICY NO. 107

STREET LIGHTING

The City of Merriam, through the electric franchise tax, pays for street lighting in Merriam. The principal purposes for streetlights are to illuminate areas of potential traffic hazards and to provide a basic minimum lighting in neighborhoods to help deter crime.

In an effort to provide an adequate standard of lighting and to avoid unnecessary costs of lighting, the following policy is established:

1. All requests for street light placement must be accompanied by a petition signed by 2/3 of the adult residents within 100 feet of the proposed streetlight location. The responsibility for obtaining the signatures rests with property owner(s) or residents requesting the lights. Petitions are available in the City Clerk's office.
2. New streetlights will not be permitted to be installed when the new light would be less than 350 feet from an existing light. The only exceptions to this policy would be at intersections or when geographic conditions (turning roads, changes in elevation, dead-end streets or cul-de-sacs, overhanging trees) would warrant placement at less than 350 foot intervals. The City Council must approve exceptions that do not meet the intent of the policy.
3. Developers shall comply with Ordinance No. 1070 regarding the installation of streetlights, with underground cables in newly developed subdivisions.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010

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POLICY NO. 108

CURB OBSTRUCTIONS ON CITY RIGHTS OF WAY

- 1.01 During the replacement of curbs in front of existing driveways in capital projects or in regular curb replacement programs, the City will install wedge-type curbs to facilitate access to driveways.
- 1.02 The City may remove existing curb obstructions when they are found to create a traffic hazard, a storm drainage hazard, or a maintenance program for adjoining property owners. The costs of removal by the City may be charged to the property owner involved.
- 1.03 When a driveway having a curb obstruction is replaced or resurfaced, the property owner shall be responsible for removing the curb obstruction and placing, if the property owner chooses, a new wedge-type curb. Replacement of the curb obstruction will not be permitted.
- 1.04 In cases where street overlay projects are done and the street is lowered by cold planing, and a gap is left between the old curb ramp and the new street, the property owner may modify his curb ramp at his expense, or install a new wedge-type curb. If nothing is done and the unmodified curb ramp is determined to constitute a traffic hazard, the City may deal with the hazard as indicated above.
- 1.05 Ordinance provisions pertaining to this issue are contained in Section 24-20 of the Code of Ordinances, approved on June 20, 1988.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989

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POLICY NO. 109

EMPLOYEE BENEFITS OFFERED BY THIRD PARTIES

- 1.01 Employee benefits are provided to City employees by the City to enhance the employees' compensation package, and to sustain morale, and productivity. Some benefits are offered to City employees in which the City does not participate financially. Such benefits may include insurance, prepaid services, deferred compensation programs and credit union membership.
- 1.02 In order for such benefits to be offered to employees, providers will often ask that the City initiate a payroll deduction for employees to purchase such benefits. Payroll deductions may only be instituted with the approval of the City Council.
- 1.03 All benefits in which the City does not participate financially, whether administered through payroll deductions or not, shall be strictly voluntary. Informational meetings must be held outside of regular working hours, except as approved by the City Council.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989

APPROVED BY THE GOVERNING BODY ON SEPTEMBER 13, 2010

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POLICY NO. 110

RECOGNITION OF RETIREES

- 1.01 Upon the retirement of a City employee from City service, the City Council may recognize the retiree with a plaque and a ceremony at a regular City Council meeting.
- 1.02 Other City employees or officials may host a ceremony for the retiring employee. For City employees with more than ten years service to the City of Merriam, City funds up to \$200 may be used to host a retirement reception and/or purchase a gift. For City employees with less than ten years service to the City of Merriam, City funds will not be used for any recognition other than that expressly authorized by the City Council.
- 1.03 Other City employees leaving City service with proper notice and otherwise in good standing may be recognized in an appropriate manner with approval of the City Administrator and/or the Mayor.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989
AMENDED BY THE GOVERNING BODY ON NOVEMBER 25, 2002

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POLICY NO. 111

COUNCIL RELATIONS WITH BOARDS AND COMMISSIONS

- 1.01 Appointments to boards and commissions shall be made by the Mayor with the consent of the City Council. This shall not prohibit members of the Council from recommending potential board or commission members to the Mayor for consideration.
- 1.02 The City Council often has a statutory duty to hear appeals from or approve or disapprove decisions of city boards and commissions. Unless a member of the Council is a member of one of such boards or commissions, Council members should not participate in any way in the deliberations of the board or commission. If a member does so, he or she will refrain from participating in the deliberations of the City Council on that issue, and will abstain from voting.
- 1.03 If the Council has no review prerogative over the board or commission except to seek judicial review of its decision, members of the Council may participate as they choose. In no case shall a member of the Council exercise undue influence over the board or commission as it relates to the appointment or retention of board or commission members.
- 1.04 City staff members serving as staff to boards or commissions are encouraged to forward independent analyses to the board or commission based on the city's best interests.
- 1.05 This policy does not apply to Council committees as described in Council Policy 117, unless the action by the committee is final and can be appealed to the full council.

APPROVED BY THE GOVERNING BODY ON FEBRUARY 20, 1989

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POLICY NO. 112

OUTSTANDING CHECKS

- 1.01 It shall be the policy of the City to write off outstanding checks on an annual basis in conformance with KSA 10-816, which states that checks can only be cancelled after two years have elapsed since the issuance date of the check. Any outstanding check that has been written off shall be credited back to the fund from which it was originally charged.
- 1.02 In the event a check is submitted for payment, which has previously been written off, such claim will be paid in the next regularly scheduled claims period.
- 1.03 An annual record will be kept of those checks written off in order to reconcile check submitted after cancellation.

APPROVED BY THE GOVERNING BODY ON DECEMBER 21, 1992

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POLICY NO. 113

CAPITALIZATION OF ASSETS

- 1.01 The general policy of the City of Merriam shall be to capitalize any fixed asset item with an actual cost of \$5,000 or more.
- 1.02 For purchases under \$5,000 and at the discretion of department heads, items may be capitalized at zero cost basis for purposes of accountability.
- 1.03 City infrastructure will be capitalized according to the following thresholds:
- Streets and bridges: \$100,000
 - Sidewalks, parking lots and jogging trails: \$25,000
 - Streetlights, traffic signals and road signage: all acquisitions for the year will be added in a lump sum at year-end.
 - Drainage structures: \$25,000
 - City facilities will continue to be recorded as fixed assets and would therefore have a threshold of \$5,000.
- 1.04 Any variations of this process must be approved by the City Administrator.

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APPROVED BY THE GOVERNING BODY ON JANUARY 24, 2000
APPROVED BY THE GOVERNING BODY ON JANUARY 27, 2003

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POLICY NO. 114

CITY SALES TAX AND 1/4 CENT COUNTY SALES TAX

- 1.01 Monthly funds from the state of Kansas transmitting proceeds of the 1% City Sales Tax shall immediately be credited in equal portions to the General Operating Fund (#001) and to the Capital Improvement Fund (#090).
- 1.02 Earnings on funds from sales tax deposits shall accrue to the same accounts.
- 1.03 Expenditures from the Capital Improvement Fund shall be in accordance with the Capital Improvement Plan.
- 1.04 Expenditures from the General Operating accounts shall be in accordance with the adopted budget for the current year.
- 1.05 Monthly funds from the Johnson County 1/4 cent sales tax (established in 1995, which has no sunset) shall be credited to the Capital Improvement Fund.

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AMENDED BY THE GOVERNING BODY ON JULY 24, 1996
AMENDED BY THE GOVERNING BODY ON SEPTEMBER 13, 2010
REPEALED BY THE GOVERNING BODY ON MARCH 24, 2014

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POLICY NO. 115

USE OF TRANSIENT GUEST TAX REVENUE

- 1.01 It shall be the policy of the City of Merriam to use the revenue generated from the transient guest tax in a manner consistent with Charter Ordinance No. 23.
- 1.02 The Visitors Bureau Advisory Council shall consist of the Director of the Visitors Bureau; a representative from each hotel/motel/executive suite facility; a representative of the City's Parks and Recreation Department; and up to four representatives from the hospitality industry (e.g. restaurants, entertainment, etc.) selected by the Director of the Visitors Bureau. The Advisory Council shall make recommendations to the Merriam City Council concerning expenditures from the Transient Guest Tax Fund and programs funded thereby as set forth in Charter Ordinance No. 23.
- 1.03 Expenditures made from the Transient Guest Tax Fund shall be consistent with the purposes set forth in Charter Ordinance No. 23 and shall further adhere to one or more of the following guidelines:
- (a) Funding for projects designed to attract people to Merriam including, but not limited to maps, brochures, festivals, banners, art and craft events, and the administrative cost associated with producing such items.
 - (b) Funding for projects designated specifically towards community enhancement projects of a capital nature such as decorative lighting, streetscapes, and other improvements designed to attract people to Merriam.
 - (c) Funding for projects designated for use by the Merriam Visitors Bureau to fund programs and expenditures for promotion of tourism and to attract people to Merriam.
 - (d) Funding for projects designated specifically towards enhancement efforts, economic development initiatives and projects designated to attracting shoppers and visitors to Merriam.
 - (e) Funding for the operation, maintenance, expansion and development of City facilities, in a manner consistent with the purpose and objective of Charter Ordinance No. 23; and/or

- (f) Funding for the creation of innovative projects and activities that relate to the promotion of convention and tourism.
- 1.04 The Visitors Bureau Director shall present an activity report to the Finance and Administration Committee on an annual basis or upon request of the Committee.
- 1.05 The Visitors Bureau Advisory Council shall consider uses for the Transient Guest Tax Fund and forward the recommendation through the City's annual budget process.
- 1.06 The City may utilize employees or may contract with an agency, organization, or group of firms to promote the purposes of Charter Ordinance No. 23.

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REVISED BY THE GOVERNING BODY ON JULY 28, 2003
REVISED BY THE GOVERNING BODY ON AUGUST 20, 2007

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POLICY NO. 116

CAPITAL IMPROVEMENTS FUNDING

- 1.01 The objective of the policy is to fund the Capital Improvement Program without unduly increasing the ad valorem tax burden or adversely affecting city services.
- 1.02 When applicable, the City shall seek additional sources of funding for capital improvement projects, including special City sales taxes, grants, intergovernmental and interlocal agreements, impact fees, and contributions from developers.
- 1.03 The General Fund budget will support the multi-year Capital Improvement Program with monthly transfers of a portion of the 1% City Sales Tax to the Capital Improvement Fund. Transfers will not exceed amounts per the adopted budget. Actual transfers may be reduced if City Sales Tax collections fall short of budgeted revenues. The target level for transfers shall be less than or equal to 50% of the available 1% City Sales Tax.
- 1.04 City Use Tax collected by the General Fund which exceeds 1% shall be transferred to the Capital Improvement Fund. Such transfers should not be considered in the calculation of the target level for transfers of the 1% City Sales Tax as described in Section 1.03 above.
- 1.05 The City will continue to develop a multi-year Capital Improvement Program that considers citizen input. The program will be reviewed and revised annually.

APPROVED BY THE GOVERNING BODY ON 06/05/1989

AMENDED BY THE GOVERNING BODY ON 03/24/2014

CITY OF MERRIAM
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POLICY NO. 117

GUIDELINES FOR COUNCIL COMMITTEES

1.01 Composition and Number

On occasion, there may be a need to form an Ad-Hoc Committee to complete a project or task. The committee may consist of one councilmember from each ward and members of the public. Each committee member shall serve on one committee as designated by the Mayor and serving at the pleasure of the Mayor. The committee shall elect its own chair who shall chair such meetings and shall make reports of such meetings to the City Council.

1.02 Meetings

Committee meetings shall be scheduled as needed. All meetings are open to the public and shall be scheduled in compliance with the Kansas Open Meetings Act.

All meetings shall be held at City Hall unless otherwise specified. Additional meetings may be held upon the call of the Chair or upon the call of a majority of committee members, provided that all members shall be notified of such meeting at least 24 hours in advance of the announced start of the meeting, and provided that such is consistent with Kansas Open Meeting laws.

1.03 Quorum

A quorum shall consist of a majority of the members of the committee. Committees shall conduct business only in the presence of a quorum. It shall be the duty of each committee chair to encourage member attendance.

1.04 Agenda

An agenda shall be developed by the chair and related staff before each meeting. Such agenda shall be followed as much as possible; however, business not appearing on the agenda may be taken up under the heading "Other Business."

1.05 Votes

Meetings shall be conducted in an orderly manner. Generally, the Governing Body Rules of Procedure of the City of Merriam should serve as a guideline in the conduct of committee meetings. The committee chair will preside over the meetings and is responsible for maintaining orderly discussion. Upon the call of the chair, voice votes shall be taken of committee members to determine committee action on each issue. Passage shall require a majority of those present and voting, including the chair. Tie votes shall be considered to be a failure of the motion. The chair of the committee cannot make a motion. Seconds to motions are not required.

1.06 Minutes

Minutes shall be kept of all committee meetings by staff assigned by the City Administrator. Distribution shall be made to the Mayor and Council.

1.07 Committee Responsibilities

Committees shall be responsible for the review of policy matters dealing with their assigned task or project.

Council committee members shall not be involved in daily administrative tasks. Direction of the daily operations of a department shall be left to the department head under the direction of the City Administrator. If a committee has specific operations problems, these are to be directed to the attention of the City Administrator or Mayor who will expedite any necessary actions.

Committees shall deal with City personnel matters only on a policy review basis. Policy review means such things as personnel rules, job descriptions, or salary schedules. (See Council Policy No. 105). Committee members either individually or as a committee shall not meet with an employee except when agreed upon with the City Administrator.

The City Administrator shall be responsible for any necessary support to the Council committees.

1.08 Significance of Committee Actions

Action of committees shall constitute recommendations to the full Council. No binding decision can be made in committee on matters that should be brought before the full Council at Council meetings.

1.09 Responsibilities of Committee Chair

1. Conducting meetings of the committee.

2. Report on committee action to the full Council at Council meetings.
3. Approve agendas for committee meetings.
4. Encourage participation and attendance of committee members, including soliciting motions.
5. Serve as principal liaison between the committee and the staff and City Council on issues for which the committee had principal responsibility.
6. Appoint Acting Chair in the event of absence of the Chair.

Suggestions and ideas regarding city business from individual Councilmembers are welcome and should be directed to the Mayor and/or City Administrator for action.

**APPROVED BY THE GOVERNING BODY ON 01/20/92
AMENDED BY THE GOVERNING BODY ON 04/25/94
AMENDED BY THE GOVERNING BODY ON 01/25/99
AMENDED BY THE GOVERNING BODY ON 06/28/99
AMENDED BY THE GOVERNING BODY ON 01/24/00
AMENDED BY THE GOVERNING BODY ON 10/27/03
AMENDED BY THE GOVERNING BODY ON 06/28/04
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010**

CITY OF MERRIAM

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POLICY NO. 118

PRIVATE ACTIVITY BOND POLICY

- 1.01 Policy Regarding the Issuance of Private Activity Bonds.** The Governing Body of the City may evaluate all requests for the City to issue new private activity bonds for the purposes allowed by law and may approve the issuance of such bonds when, in the opinion of the Governing Body, the project being financed in whole or in part by the proceeds of such bonds is reasonably expected to promote, stimulate and develop the welfare of the through the promotion and advancement of physical and mental health, industrial, commercial, agricultural, natural resources and recreational development in the City; to encourage and assist in the location of new business and industry in the City and the expansion, relocation or retention of existing business, industry and health development, and the infrastructure related thereto.
- 1.02 Private Activity Bonds - New Issues.** In reviewing requests to issue private activity bonds, the Governing Body may be guided by whether such as issue would help the City achieve a combination of the following objectives:
- (a) Contributes to the general welfare of the City as stated above;
 - (b) A substantial increase in the number of jobs in the City;
 - (c) Significant additional diversification of the local economy;
 - (d) A positive impact on a particular area of the City;
 - (e) Expansion of the type of job skills available to the job market in the City or utilization of key skills of locally unemployed persons;
 - (f) Economic growth through the production of goods and/or services which will be exported from the City or which will replace goods and/or services which currently are imported into the City;
 - (g) Increasing the property tax base of both residential and commercial properties to further support expanding cost of municipal services provided by the city of Merriam;

- (h) Enhance the credit worthiness of the City of Merriam with a broader tax base, thus enhancing the City’s ability to have its borrowings at a reduced interest cost to its residents and taxpayers;
- (i) Accomplish any other needs of the City.

1.03 Private Activity Bonds – Refinancing. In reviewing requests to refinance private activity bonds, the Governing Body may be guided by whether such an issue would help to achieve a combination of the following objectives:

- (a) Interest savings;
- (b) Reduced maturity schedules;
- (c) Expansion of existing facilities;
- (d) Other financial considerations.

1.04 Approval conditions. Approval of private activity bond issued by the Governing Body may be subject to the following conditions:

- (a) Publicly offered bonds: The applicant must provide reasonable assurance that the bonds are secure and marketable and that the bond issue complies with applicable state and federal law. The City **may** require some type of credit enhancement such as a letter of credit, bond insurance, personal guarantees, pledges of other collateral, a bond reserve account, or a combination thereof.
- (b) Privately placed bonds: The applicant must provide reasonable assurance that the bonds are secure and marketable to sophisticated investors, approved by the City, and that the bond issue complies with applicable state and federal law.
- (c) Secondary Market Disclosure: The City in its discretion **may** require secondary market disclosure to bond investors relevant to material information in properly valuing the bonds.
- (d) Required City Advisors: The City requires the use of its designated bond counsel. The City reserves the right to approve the selection of other participants including, but not limited to, the underwriter and trustee/fiscal agent. The City, at its discretion, **may** retain additional independent advisors to assist the City in analyzing the merits and making a determination of its approval at the applicant’s expense, such as: Economic Specialist, Environmental Specialist, Certified Public Accountant, Financial Advisor, etc.
- (e) Fees Charged: The City may charge an administrative fee based on the following schedule:

<u>Principal Amount of Issue or Refinancing</u>	<u>Fee (cumulative)</u>
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0 to 999,999	.5 of 1%
\$1,000,000 to 1,999,999	.4 of 1%
\$2,000,000 to 2,999,999	.3 of 1%
\$3,000,000 and above	.2 of 1%

Further, the City **may** retain special legal counsel in the transaction. In that event, the special legal counsel fee shall be negotiated between the special legal counsel and the applicant. In the event there are any post-closing costs incurred, these charges will be direct billed to the applicant for reimbursement to the City. These might cover a wide range of circumstances including, but not limited to: events of default, transfer of ownership, transfer of bonds, remarking issues.

- (f) The proposed use must be clean, non-polluting and consistent with all planning and community development policies, ordinances and codes, and all applicable Kansas State Statutes.
- (g) **Refunding:** Generally, the City of Merriam would not consider a refunding issued that would diminish the security interest of the bondholders from the original issue. The refunding issue must serve a valid economic purpose.

Examples would include:

1. Interest Savings
2. Reduced Maturity schedule
3. Expansion of existing facilities
4. Change of ownership

- (h) **Abatements:** The City of Merriam will consider granting abatements on a case-by-case basis for projects that demonstrate a favorable cost/benefit relationship to the City.
- (i) **Pirating:** Generally, it is the City of Merriam’s policy to discourage applications for tax abatement incentives which deliberately encourage and cause the pirating of business from another Johnson County community and to avoid participating in “bidding wars” between cities or areas competing for the location or expansion of existing businesses with the area, through attempts to offer the largest tax exemption incentive or other public inducement, which is detrimental to the area’s economy and the public interest.

1.05 Procedure Regarding the Issuance of Private Activity Bonds: Potential applicants are entitled to a pre-application meeting with the City’s Finance team to explore applicant’s interest prior to formally submitting an application. The procedure for the issuance of private activity bonds of the City shall be substantially as follows:

- (a) The prospective applicant shall submit five (5)- completed copies of the application form to the City Clerk.

- (b) Application Fee - \$2,500.00 (non-refundable). Application fees shall be deposited in the General Fund. Applied to Administrative Fee if approved.
- (c) Applicant shall be responsible for the payment of other professional fees including, but not limited to, fees paid to the City's Bond Counsel and the City Attorney, regardless of whether the project is ultimately approved or bonds are issued or refinanced.
- (d) Presentation before the City Council.

1.06 Responsibility for Enforcement: The City Administrator shall be responsible to the Governing Body for the enforcement of this debt policy. The Finance Director shall assist in the implementation of this policy. This policy is meant to be a guide to the Governing Body in evaluating different options for private activity debt issuance.

**APPROVED BY THE GOVERNING BODY ON 4/25/94
AMENDED BY THE GOVERNING BODY ON 8/28/00
AMENDED BY THE GOVERNING BODY ON 4/26/04
AMENDED BY THE GOVERNING BODY ON 9/13/2010**

**CITY OF MERRIAM
CITY COUNCIL POLICY MANUAL**

POLICY NO. 119

ARCHITECTURAL AND ENGINEERING SERVICES

- 1.01** It is the intent of the City to exercise efficiency and effectiveness in the selection of all architectural and engineering services. The City Engineer is expected to handle routine matters.
- 1.02** **Selection Criteria.** The selection of architectural or engineering services is a discretionary responsibility of the Governing Body. Firms shall be selected on the basis of their ability to meet the specific needs of the city for each specific project. Best bid selection criteria may include the following:
1. Quality of similar work that has been provided for the City of Merriam or for other public and private entities.
 2. Comparable experience and background of the specific personnel that shall be assigned to the team that shall serve the City on the project.
 3. Extent of applicable resources available to the firm.
 4. Understanding of services required by the City.
 5. Financial considerations.
- 1.03** **Recommendations.** For all capital improvement projects the City Council shall review the project objectives along with staff recommendations. Then initiate the process to be undertaken in the selection of professional services, as provided in Section 1.04 of this policy.
- 1.04** **Requests for Proposals.** For capital improvement projects with an estimated total cost of over \$400,000, requests for proposals for architectural and engineering services shall be solicited and reviewed by the Community Development Director and City Engineer. The City Engineer shall prepare a recommendation to the Governing Body. Professional services for projects costing less than \$400,000 may also be contracted out in certain situations, as the city may determine.
- 1.05** **Establishment of qualified engineers and architects.** The city may from time to time establish a list of qualified engineers and architects for capital improvement projects.

**APPROVED BY THE GOVERNING BODY ON NOVEMBER 28, 1994.
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010.**

CITY OF MERRIAM

CITY COUNCIL POLICY MANUAL

POLICY No. 120

ACQUISITION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC PROJECTS

- 1.01** It shall be the policy of the City of Merriam to deal equitably and fairly with property owners impacted by city capital projects. Projects requiring acquisition of right-of-way, permanent, and/or temporary easements shall be carried out in accordance with applicable law providing just compensation to property owners as set forth in Section 1.02 below. For projects where federal funds are used, the acquisition of easements shall comply with the Uniform Relocations Assistance and Real Property Acquisition Act of 1970 as amended.
- 1.02** Just compensation will be derived by determining fair market value of the property interest to be acquired by the City. The fair market value will be derived either by the most current property values as determined by the Johnson County Appraiser's Office or by a licensed professional appraiser retained by the City. The City will compensate the property owner for appurtenances removed, destroyed, or severely damaged by the project at fair market value.

APPROVED BY THE GOVERNING BODY ON NOVEMBER 28, 1994.
AMENDED BY THE GOVERNING BODY ON JANUARY 27, 2003.
AMENDED BY THE GOVERNING BODY ON MAY 23, 2005.
AMENDED BY THE GOVERNING BODY ON JANUARY 13, 2014.
AMENDED BY THE GOVERNING BODY ON AUGUST 10, 2015.

CITY OF MERRIAM

CITY COUNCIL POLICY MANUAL

POLICY NO. 121

INVESTMENTS OF CITY FUNDS

- 1.01** It is the policy of the City of Merriam, Kansas to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all Kansas statues, the City Administrative Code, and all related City Ordinances and Resolutions governing the investment of public funds.
- 1.02** This policy applies to all City of Merriam, Kansas funds, except for debt service accounts held by fiscal agents for bond ordinances.
- 1.03**
- a. Investment shall be made with judgment and care--under circumstances which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probably safety of their capital as well as the probable income to be derived.
 - b. The standard of prudence to be used by investment officials shall be the "prudent person" and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price charges provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.
 - c. The "prudent person" concept discourages speculative transactions, it attaches primary significance to the preservation of capital and secondary importance to the generation of income and capital gains. The "prudent person" is expected to be a reasonable well-informed person, not a professional investor or market marker, who is obligated to act responsibly.
- 1.04** The primary objectives, in priority order, of the City of Merriam, Kansas investments activities shall be:
- 1. **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the City of Merriam, Kansas shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential

losses on individual securities do not exceed the income generated from the remainder of the portfolio.

2. **Liquidity:** The City of Merriam, Kansas's investment portfolio will remain sufficiently liquid to enable the City of Merriam, Kansas to meet all operating requirements which might be reasonably anticipated.
3. **Return on Investment:** The City of Merriam, Kansas's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City of Merriam, Kansas's cash flow characteristics.

- 1.05**
- a. Management responsibility for the investment program is hereby delegated to the Finance Director, who shall establish procedures for the operation of the investment program, consistent with this investment policy. Procedures should include: safekeeping, agreements, wire transfer agreements, collateral/depository agreements and banking service contracts.
 - b. Agreements shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under terms of this policy and the procedures established by the Finance Director. The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of investment officials.
 - c. Oversight of the City's Investment Program will be vested in:
 1. The City Investment Committee, composed of the Mayor, Council President or one member of the City Council as selected by the Mayor, City Treasurer, City Administrator, and Finance Director who will meet on a quarterly basis. The purpose of the Investment Committee is to provide general guidance for city investments. Topics reviewed at Investment Committee meetings include: economic outlook, portfolio diversification and maturity structure, potential risks to the City of Merriam's fund, authorized depositories, brokers and dealers, and the target rate of return on the investment portfolio. A summary report of these meetings will be forwarded to the Mayor and City Council.
 2. The Investment Committee will review the performance of the City's Investment Portfolio on a quarterly basis as to its value and rate of return. The Committee will review reports of an independent accounting or reporting service to determine the value of the City's Portfolio in keeping with FASB-123, or the latest "Mark to Market" Standards of either the Financial Accounting Standards Board (FASB) or the Governmental Accounting Standards Board (GASB). The Committee will use the most recently published 3-month and 2-year Treasury Bill rates as the benchmarks for assessing the adequacy of the City's current rate of return.

1.06 Safety of principal is of the highest priority and can be accomplished by limiting two types of risk: 1) **credit risk**, and 2) **interest rate risk**. **Credit risk** is the risk of loss associated with the failure of a security issuer or backer. **Interest rate risk** is the risk that the value of the investments will decline due to an increase in the general level of interest rates.

a. Acceptable Investments for all operating funds:

All investments purchased under this policy shall be governed by KSA 12-1675, et.seq, and all amendments thereto. Investments shall be limited to a maximum of two years unless the City's investment policy is approved by the State of Kansas Pooled Money Investment Board (PMIB), in which case investments could be made for up to four years. **The investments outlined in items #4 through #8 may be utilized only if the investments outlined in item #2 are not available to the City at interest rates equal to or greater than the public fund investment rate.** Below is a summary of acceptable investments for idle funds under current law.

1. Temporary Notes or No-Fund Warrants. Temporary notes or no fund warrants issued by the City.
2. Time Deposits, Open Accounts, Certificates of Deposit or Time Certificates of Deposit. Instruments issued by financial institutions which state that specified sums have been deposited for specific periods of time and at specified rates of interest. The certificates of deposit are required to be backed by acceptable collateral securities as dictated by State statute. Maximum maturities for such time deposits are limited to two (2) years unless the City's investment policy is approved by the PMIB, in which case the maturity may be up to four (4) years. **If an eligible (local) financial institution, as described by Kansas Statute K.S.A 12-1675, offers interest rates equal to or greater than the public fund investment rate, the City is obligated (if they elect to make the investment) to place it with that financial institution.**
3. Repurchase Agreements (Repo). The City may invest in contractual agreements between the City and commercial banks, state or federally chartered saving and loan associations, or federally chartered savings banks. The purchaser in a repo enters into a contractual agreement to purchase Treasury and government agency securities while simultaneously agreeing to resell the securities at predetermined dates and prices. Repo's are required to be backed by acceptable collateral securities as dictated by Kansas Statute K.S.A 12-1677b. If the City's investment policy is approved by the PMIB, a repo may be executed with a primary dealer. The City requires collateral to be at least 105% of the original purchase price.
4. United States Treasury. These obligations must mature within two (2) years from the date of purchase and are guaranteed as to principal by the United States Government per K.S.A 12-1677b. If the City's investment policy is approved by the PMIB, the maximum maturity may be for four (4) years.

5. Kansas Municipal Investment Pool Fund (MIP). A pool of investments consisting of Certificates of Deposit, U.S. Treasuries, U.S. Agencies, Commercial Paper, and Repurchase Agreements per K.S.A 12-1677b. The MIP is administered by the State of Kansas Pooled Money Investment Board.
 6. Bank Trust Departments with commercial banks. Investments may be made with trust departments of commercial banks with offices located in Johnson County or with trust companies which have contracted to provide trust services under the provisions of K.S.A.9-2107, and amendments thereto. These accounts will be secured as provided for under K.S.A. 9-1402, and amendments thereto. Authorized investments in these pools will be subject to the same terms, conditions and limitations as are applicable to the Kansas Municipal Investment Pool.
 7. U.S. Government Agency Securities. Indirect obligations of the federal government such as the Government National Mortgage Association, the Small Business Administration and other qualified agency securities. These securities are backed by the full faith and credit of the United States Government. The maximum maturity is four (4) years from the date of purchase. The City's investment policy must be approved by the PMIB prior to the purchase of these U.S. Government Securities.
 8. U.S. Government Sponsored Corporation's Instruments. Obligations and securities of enterprises sponsored by the U.S. Government (such as Federal Farm Credit System, Federal Home Loan Mortgage Association, the Student Loan Marketing Association and other qualified government sponsored corporation's instruments) which under federal law may be accepted as security for public funds, except that such investments shall not be in mortgage-backed securities. **The City's investment policy must be approved by the PMIB prior to the purchase of these U.S. Government Agency Securities.**
- b. **Acceptable Investments for Bond and Note Proceeds, Equipment Reserve Fund, Capital Improvement Funds:**

Moneys credited to the municipal reserve fund or capital improvement funds from annually budgeted transfers may also be invested in accordance with the provisions of K.S.A. 10-131 (as provided by K.S.A. 12-1,117 and K.S.A. 12-1, 118).

Investments outlined by K.S.A. 10-131, et.seq. are not subject to the requirement that such funds be first offered to the financial institutions within the City. The investment options are as follows:

1. Investments authorized by K.S.A. 12-1675, et.seq. (as detailed under operating fund investments).
2. Direct obligations of the United States government or any agency thereof.

3. The City's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto.
4. Obligations of the Federal National Mortgage Association, Federal Home Loan Banks and Federal Home Loan Mortgage Corporation or other qualified obligations.
5. Repurchase agreements collateralized by direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or the Federal Home Mortgage Corporation.
6. Investment agreements with or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's Investors Service or Standard and Poor's Corporation.
7. Investments in shares or units of a money market fund or trust the portfolio of which is comprised entirely of securities in direct obligations of the U.S. government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
8. Receipts evidencing ownership interests in securities or portions thereof in direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
9. Municipal bonds or other obligations issued by any municipality of the State of Kansas as defined in K. S. A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.
10. Bonds of any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, or securities in direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
11. The Kansas Municipal Investment Pool established pursuant to K.S.A. 12-1677 a, and amendments thereto.

c. Safekeeping of Securities:

1. Safekeeping Agreement

Collateral will be registered in the City’s name. Joint custody receipts will be issued for all securities pledged to certificate of deposits, repurchase agreements, open accounts and other investments by depositing same with the Federal Reserve Bank of Kansas City, the Federal Home Loan Bank of Topeka, or a Kansas bank or trust company not affiliated with the financial institution pledging the securities and in accordance with KSA 9-1405, et.seq. (safekeeping agent(s)).

All security purchases which are eligible for delivery versus payment shall be settled in that manner. All securities shall be perfected in the name of City of Merriam and shall be delivered to the safekeeping agent(s).

i. Handling of Certificate of Deposit Collateral

The collateral for certificates of deposit in banks will be registered in the name of the City of Merriam, Kansas. Custodial receipts will be received and logged by the Administrative Office staff. Letters from custodial agent(s) assigning the collateral and fax transmittals will be acceptable for release of funds.

ii. Handling of Repurchase Agreement Securities

The securities for which repurchase agreements will be transacted will be limited to Treasury and government agency securities which are eligible to be delivered via the Federal Reserve's Fedwire book entry system. Securities will be delivered either to the City's designated Custodial Agent or to a third party custodian agreed upon by the City and the second party to the Repurchase Agreement. Funds and securities will be transferred on a delivery versus payment basis. Confirmations will be received and logged by the Administrative Office.

Securities underlying a repurchase agreement must be maintained at the following levels, with respect to par value accrued interest.

U. S.	U. S. Treasury Securities	Agencies Securities
1 Year or Less	101%	101%
1 Year to 5 Years	102%	102%
Over 5 Years	103%	104%

2. Verification of Security

Verification of collateral and repurchase agreement securities will be part of the City's annual independent audit.

d. **Collateral Requirements:**

K.S.A. 9-1402, as adopted and amended, requires that all deposits, including those for investment of public funds, must be secured by collateral of the depository institutions. The depository institutions are authorized to use and the City is authorized to accept the following types of collateral as security for deposits:

1. The institution may provide a personal bond in double the amount of the deposits.
2. The institution may provide a corporate surety bond in an amount equal to the amount of deposits.
3. The institution may pledge or assign for the City's benefit sufficient securities the market value of which is equal to 100% of the total deposits and may consist of:
 - i. Direct obligations of, or obligations insured by, the U.S. or any agency thereof;
 - ii. Obligations and securities of U.S. sponsored corporations, which under federal law may be accepted as security for public funds;
 - iii. Bonds of any Kansas municipality which have been refunded and are secured by U.S. obligations;
 - iv. Bonds of the State of Kansas which have a rating of "Aa" or better by Moody's Investors Service or by Standard and Poor's Corporation;
 - v. General obligation bonds of any Kansas municipality which have a rating of "Aa" or better by Moody's Investors Service or by Standard and Poor's Corporation;
 - vi. Revenue Bonds of any Kansas municipality if they meet approval by the state bank (or savings and loan) commissioner and which have a rating of;
 - vii. General Obligation temporary notes of any Kansas municipality which have a rating of "Aa" or better by Moody's Investors Service or by Standard and Poor's Corporation;
 - viii. No-fund warrants of any Kansas municipality;
 - ix. Certain Kansas municipality sponsored revenue bonds rated "Aa" or better by Moody's Investors Service or AA or better by Standard and Poor's Corporation;
 - x. Mortgage anticipation notes of certain not-for-profit corporations.

e. Release of Collateral

At the time the investment is to be liquidated or when other collateral is substituted, the authorization to release the collateral will be telephoned to the safekeeping agent by the Finance Director or his/her designee.

f. Monitoring Collateral/Security Adequacy for Deposits and Repurchase Agreements:

The Finance Director or his/her designee will monitor adequacy of collateral and securitization each time investments mature or are purchased, but at least monthly. The City requires monthly reports with market values of pledged securities from all financial institutions with which the City has deposits and/or repurchase agreements.

g. Investment Diversification:

The City of Merriam, Kansas will diversify its investments by security type and institution. The following guidelines represent maximum limits established for diversification by instrument.

U.S. Obligations	100%
Certificates of Deposit	50%

A maximum limit of 25% for any one or more (as an aggregate total) of the following types:

- State of Kansas Obligations
- Johnson County, Kansas Obligations
- Shawnee Mission School District Obligations
- City of Merriam, Kansas Obligations or Revenue Bonds

1.07 As stated in the Investment Policy, liquidity is second in priority in evaluating investment alternatives. As a function of this procedure, the City's demands for cash must be projected using reliable techniques and investment maturities must be continually evaluated to ensure that funds are available to meet all cash demands. To ensure adequate liquidity of City funds, investments of idle funds shall be structured within the limitations provided in this section.

a. Maturities for Repurchase Agreements and Certificate of Deposits:

Subject to the collateral and authorization requirements of K.S.A. 10-131, as now adopted or hereafter amended, the maximum maturity for certificate of deposits shall be four (4) years. For repurchase agreements with a Kansas financial institution, the maturity shall not exceed two (2) years or such shorter period as may be prescribed by the State Treasurer. Repurchase agreements with primary government security dealers shall be less than 30 days.

b. Security Marketability:

Only U.S. government and agency obligations with active secondary markets will be purchased. Marketability shall be determined by the Finance Director.

1.08 The City of Merriam shall seek to optimize return on investments within the constraints of safety and liquidity. The investment portfolio of the City will be designed to attain a market-average rate of return throughout the budgetary and economic cycles, taking into account the City's investment risk constraints, state statutes, cash flow characteristics of the portfolio, and prudent investment principles. Progress on this objective will be reported to the Investment Committee and City Council Finance and Administration Committee on a quarterly basis at a minimum.

a. Investments Maturity Management:

When structuring the maturity composition of the investments, the Finance Officer shall evaluate current and expected interest rate yields. The longer the time remaining to maturity for a security, the greater the price fluctuation which will occur given a change in interest rate levels.

b. Competitive Placement of Funds:

It is in the interest of the City to solicit competitive rate quotations for all investment purchases, consistent with state statutes. The City will maintain a list of interested bidders. Financial institutions may call the Finance department to request to be added to the list. Financial institutions eligible to bid on the City's investments will consist of banks, trust companies, savings and loan associations, or savings banks with a main or branch office located in the City or Johnson County. Bids received from local financial institutions will be compared to the public funds investment rate. If a bid is greater than or equal to the public funds investment rate, the financial institution with the highest bid is awarded the investment. Financial institutions within the City will take precedence over the county financial institutions. If no bids from eligible financial institutions are greater than or equal to the public funds investment rate, bids from financial institutions offering investment instruments detailed under the investments for operating funds section 1.06 a. will be considered.

1.09 The Ethical Code, as adopted in sections 2-104 through sections 2-109 of the City of Merriam Municipal Code shall apply and provide guidance. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Attorney and Finance Director any material financial interests in financial institutions that conduct business within this jurisdiction and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City of Merriam, Kansas' portfolio. Employees and officers shall subordinate their personal investment transactions to those of the City of Merriam, Kansas, particularly with regard to the timing of purchases and sales.

1.10 a. The City of Merriam Kansas' investment policy shall be adopted by the City Council of Merriam, Kansas.

- b. The above policies shall remain in full force and effect until revoked by the City Council. If, after adoption of this policy, there is any conflict of this policy with Kansas' laws and/or statutes, the Kansas laws and/or statutes will dictate.

APPROVED BY THE GOVERNING BODY ON NOVEMBER 27, 2005
AMENDED BY THE GOVERNING BODY ON DECEMBER 18, 2006
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010

CITY OF MERRIAM

CITY COUNCIL POLICY MANUAL POLICY NO. 122

CONSENT AGENDA ITEMS

- 1.01 The items listed on the consent agenda are considered by the Governing Body to be routine business items. Approval of these items may be made by a single motion and approved with a majority vote. Should a member of the Governing Body desire to discuss any item, such member may request the Mayor to remove the item from the Consent Agenda so that it may be considered separately.
- 1.02 Items that are considered to be routine and eligible for the consent agenda include:
- Project Completion Certificates
 - Letters of Understanding
 - Interlocal Agreements
 - Bid awards
 - Financial Statements
 - Appropriation Ordinances
 - Change orders in accordance with Council Policy 106; 1.08.
 - Minutes of Council Meetings
 - Cereal Malt Beverage Licenses, disposal licenses and other licenses
 - Ratification of appointments
 - Municipal Code updates
 - Resolutions that transfer funds from one account to another
 - Final Plats
 - Budget Amendments in accordance with Council Policy 102; 1.01(b)
- 1.03 In preparing a consent agenda item for a City Council meeting, the item must be prepared in the same format as other agenda items. The background section should state the routine nature of the item and that it is appropriate to be included on the Consent Agenda.
- 1.04 Consent agenda items and other agenda items should be submitted to the City Clerk by Wednesday prior to the Council meeting in which it is to be considered.

APPROVED BY THE CITY COUNCIL FEBRUARY 22, 1999
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010
AMENDED BY THE GOVERNING BODY ON SEPTEMBER 13, 2010
AMENDED BY THE GOVERNING BODY ON MARCH 13, 2017

CITY OF MERRIAM
CITY COUNCIL POLICY MANUAL

POLICY NO. 123

PUBLIC PARK AND FACILITY NAMING POLICY

1.01 Purpose

The intent of the City is to establish a formal policy and process for naming public parklands and facilities.

1.02 Authorization

The Merriam Parks and Recreation Advisory Board shall be responsible for recommending to the City Council the naming of all public parks and facilities in the City of Merriam subject to the approval of the City Council.

1.03 Objectives

In reviewing suggestions for park names, the Parks and Recreation Advisory Board shall be guided by the following objectives:

- (a) Provide name identification for individual parks;
- (b) Provide name identification where appropriate for public buildings, facilities, and specified areas;
- (c) Provide for citizen input into the process of naming parks and facilities as enumerated above;
- (d) Ensure control for the naming of parks and facilities by the City Council as recommended by the Director of Parks and Recreation and the Parks and Recreation Advisory Board;

1.04 Qualifying Names

Names should provide some form of identity related to:

- (a) The geographic location of the facility;
- (b) An outstanding feature of the facility;
- (c) The adjoining subdivision;
- (d) Commonly recognized historical event, group, or individual;
- (e) An individual or group who contributed significantly to the acquisition or development of the facility.

- (f) An individual who provided an exceptional service to the park system or the City of Merriam.

1.05 Other Naming Alternatives

- (a) Parks and facilities that are donated to the City can be named by deed restriction by the donor. The acceptance of land and naming is subject to approval by the Parks and Recreation Advisory Board and City Council;
- (b) Facilities within the parks may be named separately from the parks in which they are located.

1.06 Naming Process

- (a) At the time parkland or facility is acquired but before development occurs, the Director of Parks and Recreation will assign a nondescript temporary working name for the area or facility;
- (b) Once the development is initiated the Director of Parks and Recreation will receive naming applications in writing for review by the Parks and Recreation Advisory Board;
- (c) After a name is decided upon by the Parks and Recreation Advisory Board, public notice of the recommended name will occur twice during a sixty (60) day period in the City's official newspaper. Citizen comments and recommendations must be in writing to the Director of Parks and Recreation and be postmarked within the sixty (60) day public-notice period;
- (d) For an individual (excluding historically significant individuals) to be considered, that person must have contributed significantly to the acquisition or development of the park or facility, to the park system, or the community. The recommended name must be accompanied by a biographical sketch which shall provide evidence of contributions;
- (e) After the sixty (60) day public notice period, the Director of Parks and Recreation, with the approval of the Parks and Recreation Advisory Board, will submit the recommended name to the City Council for final approval.

1.07 Renaming

- (a) Only those parks and facilities named for geographic location, outstanding feature or subdivision should be considered for renaming. Parks named by deed restriction cannot be considered for renaming;
- (b) Parks and facilities named after individuals shall not be changed unless it is found that the individual's personal character is or was such that the continued use of their name for a park or facility would not be in the best interest of the community;
- (c) In order for a park or facility to be considered for renaming, the following must occur:
 - The recommended name must qualify according to Section 1.04 of this policy, and;

- Be accompanied by a petition from the particular park or facility users.

1.08 Plaques, markers, memorials

- (a) All plaques, markers, and memorials are subject to the same naming criteria in Section 1.06 of this policy;
- (b) Because of their proneness to vandalism and maintenance, plaques, markers, and memorials should be used sparingly.
- (c) The Parks and Recreation Advisory Board, subject to approval by the City Council, establishes the style, size, and placement of all plaques, markers, and memorials.
- (d) The Irene B. French Giving Tree will be used for recognition rather than placing plaques, markers, and memorials in the park areas;
- (e) The Parks and Recreation Advisory Board shall decide upon all markers that are exceptions to the requirements listed above on a case-by-case basis.

**APPROVED BY THE GOVERNING BODY ON SEPTEMBER 27, 1999
AMENDED BY THE GOVERNING BODY ON AUGUST 9, 2010**

CITY OF MERRIAM
CITY COUNCIL POLICY MANUAL

POLICY NO. 124

TAX INCREMENT FINANCING POLICY

1.01 OBJECTIVES

The purpose of this Policy is to establish the official position and procedures of the City of Merriam, Kansas, for considering applications for Tax Increment Financing ("TIF") used for economic development and redevelopment purposes in accordance with the provisions of K.S.A. 12-1770 through 12-1780.

1.02 SCOPE

The City recognizes that the proper use of Tax Increment Financing can promote, stimulate and develop the general and economic welfare of and quality of life in the City. The City is committed to the high quality and balanced growth and development of the community; to preserving the City's unique character and distinctive atmosphere; and to revitalizing and redeveloping areas of the City. Although the City does not encourage the practice of subsidizing private business with public funds, insofar as the City's objectives are substantially advanced by the expansion of the tax base and enhancement of the local economy, the City will consider, on a case-by-case basis, the approval of TIF projects where, but for the availability of TIF, such projects would not be economically viable. It is the policy of the City that any decision regarding the approval of TIF projects will be made in accordance with the guidelines, criteria, and procedures outlined in this Policy. Nothing herein shall imply or suggest that the City be under any obligation to approve a TIF Project for any applicant.

1.03 DEFINITIONS

For the purpose of this Policy, the words or phrases as used in either the Kansas Constitution, applicable State statutes, or this Policy shall have meaning or be construed as follows:

Applicant. The individual or business and its officers, employees, and agents requesting approval of the TIF Project.

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.

Blighted Area: An area of real property qualifying as such, in the opinion of the Governing Body, pursuant to K.S.A. 12-1771.

City: The City of Merriam, Kansas, and its Governing Body.

Conservation Area: An area of real property qualifying as such, in the opinion of the Governing Body, pursuant to K.S.A. 12-1771.

Feasibility Study: A comprehensive study, prepared as required under K.S.A. 12-1771, which shows the benefits derived from the TIF Project will exceed the costs and the income therefrom will be sufficient to pay for the Project.

Redevelopment Plan: A description of a TIF Project, which includes the requirements of K.S.A. 12-1772.

TIF District: An area determined to be a redevelopment district by the Governing Body pursuant to the requirements of K.S.A. 12-1771.

TIF Project: The improvements to real property for which Tax Increment Financing has been approved.

Tax Increment: The difference between the amount of *ad valorem* property taxes assessed against the TIF District prior to completion of the TIF Project and the amount of *ad valorem* property taxes assessed against the TIF District after completion of the TIF Project. For example, if the taxes assessed prior to

completion of the TIF Project were \$5,000, and the taxes assessed after completion of the TIF Project were \$50,000 annually, the "tax increment" would be \$45,000.

1.04 PROVISIONS

A. Legal Authority

Pursuant to K.S.A. 12-1771, the City may create TIF Districts in blighted areas, conservation areas, and enterprise zones created pursuant to K.S.A. 12-17,110. Certain costs of improvements within the TIF District may be reimbursed to the developer or paid through the issuance of special obligation bonds or full faith and credit bonds. Funds to pay the reimbursement or to retire the bonds are generated by the tax increment and other sources that may be pledged by the City. This authority is discretionary and the City may provide for Tax Increment Financing in an amount and for purposes more restrictive than that authorized by statute. No privately owned property shall be acquired and redeveloped under the provisions of the Act if the Johnson County Board of County Commissioners or the Board of Education levying taxes on property proposed to be included in the TIF District determines that the proposed TIF District will have an adverse effect on such county or school district.

B. Eligible TIF Expenses

The Act specifies permissible TIF expenses, including:

- a. acquisition of property within the TIF Project area;
- b. payment of relocation assistance;
- c. site preparation;
- d. sanitary and storm sewers and lift stations;

- e. drainage conduits, channels and levees;
- f. street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;
- g. street lighting fixtures, connection and facilities;
- h. underground gas, water, heating, and electrical services and connections located within the public right-of-way;
- i. sidewalks and pedestrian underpasses or overpasses;
- j. drives and driveway approaches located within the public right-of-way
- k. water mains and extensions;
- l. plazas and arcades;
- m. parking facilities;
- n. landscaping and plantings; fountains, shelters, benches, sculptures, lighting, decorations and similar amenities; and
- o. all related expenses to redevelop and finance the Redevelopment Project.

The costs of construction of buildings or other structures to be privately owned are not eligible TIF expenses.

C. Bond Authority

The City may use proceeds of special obligation bonds or full faith and credit tax increment bonds to finance the undertaking of a redevelopment project, as provided in K.S.A. 12-1774. The maximum maturity of any such special obligation bonds or full faith and credit tax increment bonds shall be twenty (20) years. The City may also issue industrial revenue

bonds or private activity bonds to benefit a developer located within a TIF District.

1. Special Obligation Bonds

The City may issue special obligation bonds to finance permissible expenses of the TIF District. Such bonds shall be payable, both as to principal and interest: (1) from property tax increments allocated to, and paid into a special fund of the City; (2) from revenues of the City derived from or held in connection with the undertaking and carrying out of any Project; (3) from private sources, contributions or other financial assistance from the state or federal government; (4) from the increased franchise fees and city sales tax, or (5) from any combination of these methods.

Special obligation bonds are not general obligations of the City, nor in any event shall they give rise to a charge against its general credit or taxing powers or is payable out of any funds or properties other than those sources set forth above. Should the annual increment fall short of the amount necessary to pay the principal and interest of the special obligation bonds issued under this Policy, the remaining amount payable is the responsibility of the applicant, not the City.

If a special obligation bond issued under this Policy is offered to the public, an investment grade rating must be assigned to the issue; if the bond is privately placed, it may be issued without a rating, but must be sold to an accredited investor as that term is defined by securities industry standards.

2. Industrial Revenue Bonds

Industrial revenue bonds may be issued by the City pursuant to K.S.A. 121740 *et seq.* to benefit a developer within the TIF district. All state law benefits associated with such bonds shall be available, except that no *ad valorem* tax abatement shall be available.

D. Reimbursement Authority

Pursuant to Attorney General Opinion 96-45, TIF can be used to reimburse a developer for eligible TIF expenses as opposed to issuing bonds; this is the preferred method of granting TIF benefits. Under this method, the City agrees to reimburse the developer for eligible TIF expenses over a period of time not to exceed twenty (20) years with interest on the outstanding reimbursement amount. The reimbursement amount and interest is paid solely from 411 or a portion of the tax increment, and the developer takes the risk that the portion of the increment pledged for reimbursement will be insufficient to retire the eligible TIF expenses and interest.

E. Amount of Tax Increment Financing Available.

1. Criteria

The primary objectives of the City in granting TIF for economic development are: (a) promote, stimulate and develop the general and economic welfare of the state of Kansas and the City; (b) promote the general welfare of the citizens of Kansas and the City through assisting in the development, redevelopment, and revitalization of central business areas, blighted areas, conservation areas, and environmentally contaminated areas located within the City; (c) create new jobs and retain existing jobs; and (d) expand

the economic and tax base of the City. The City recognizes that a simple system of determining the amount of TIF to be granted in order to reach these objectives may not always be equitable if applied uniformly to different kinds of redevelopment plans. As a result, in determining the actual amount and duration of TIF to be granted, the City shall consider the factors and criteria set forth in this Policy under the Analysis of Costs and Benefits, as well as the amount and duration of previous TIF Projects supported by the City.

2. Capital Investment.

To be considered for TIF, an individual or business should be making a minimum capital investment in the City of \$1,000,000.00. The term "capital investment" means the acquisition cost of land, buildings and tangible personal property constituting capital assets for accounting purposes. The minimum amount of capital investment required for TIF Projects, as provided herein, may be waived by the City based upon the unique nature of the project as determined by the Governing Body.

F. Analysis of Costs and Benefits

Prior to granting TIF, the City shall prepare, or direct to be prepared, a cost benefit analysis examining the costs and benefits to the public of the proposed TIF Plan. The Cost-Benefit Analysis shall be performed on a model approved by the City and shall be in addition to the Feasibility Study. The cost of preparing the Cost-Benefit Analysis shall be paid by the applicant. This cost will be in addition to the application fee required under this Policy. The City shall use the Cost-Benefit Analysis to assist in its decision-making process, but the results of the analysis will not be

determinative or obligate the City to any course of action. The Cost-Benefit Analysis shall consider, but not be limited to, the following factors, as applicable:

1. The market value of the applicant's investment in real and personal property;
2. The property tax, sales tax, franchise fees, transient guest tax, and other tax and fee revenue that may result and directly benefit the City;
3. The number and average employee salary of full-time equivalent jobs that will be created;
4. The expenditures that local government will need to make to provide streets and utilities, police and fire protection, and other services as a result of the TIF Project;
5. The expenditures for police and fire protection, recreation, street maintenance, social programs, etc., for the new residents associated with the TIF Project;
6. The expenditures for public capital investments (library, streets, airport, sewer plants, etc.) for the new residents associated with the TIF Project;
7. The expenditures by the local school district(s) to provide the facilities and to educate the students of the new residents associated with the TIF Project;

8. Other public or private expenditures associated with attracting a new business;
9. The kinds of jobs created in relation to the types of skills available from the local labor market;
10. The degree to which the ultimate market for the applicant's business products and services is outside the community, recognizing that outside markets infuse "new money" to the local economy;
11. The potential of the applicant's business for future expansion and additional job creation;
12. The indirect costs and benefits the applicant's business may have by creating other new jobs and businesses, including the utilization of local products or other materials and substances in manufacturing;
13. The compatibility of the location of the applicant's business with land use and development plans of the City and the availability of existing infrastructure facilities and essential public services;
14. An evaluation of the applicant's current and projected financial strength and market viability.
15. The number and average employee salary of full-time equivalent jobs that will be retained in the City, community, or State as a result of the applicant's decision to locate or remain in the City;
and

16. The value added, including intangible costs and benefits such as City reputation, congestion, environment, and quality of life to the City and community as a result of the unique nature of the applicant's business.

G. Application Of "But-For" Principle

All TIF applications shall be considered in light of the "but-for" principle, i.e., the TIF must make such a difference in the decision of the applicant that the Project would not be economically feasible but for the availability of TIF. The Governing Body does not encourage the subsidy of private businesses with public funds, the indirect consequence of TIF, unless some measurable public good results, as determined by the City, and the public subsidization can reasonably be expected to make a significant difference in achieving one or more objectives of the City.

H. Unfair Competition

In reviewing TIF proposals, the Governing Body shall consider whether or not such financing is likely to create an unfair advantage for the applicant over any existing competing business within the City.

I. Distribution of *Ad Valorem* Taxes

All tangible taxable property located within a TIF District shall be assessed and taxed for *ad valorem* tax purposes pursuant to law in the same manner that such property would be assessed and taxed if located outside such district, and all *ad valorem* taxes levied on such property shall be paid to and collected by the county treasurer in the same manner as other taxes are paid and collected.

Some or all of the increment in *ad valorem* property taxes resulting from a redevelopment district may be apportioned by the City to a special fund

for the payment of the eligible TIF expenses of the TIF Project, including reimbursement or the payment of principal and interest on any special obligation bonds or full faith and credit tax increment bonds issued.

J. Condemnation

The use of condemnation, permitted under K.S.A. 12-1773, will be considered by the Governing Body only upon a finding that the applicant has attempted, in good faith, to acquire the property privately. In the event condemnation is approved by the Governing Body, the applicant shall be responsible for all costs associated with the proceedings, including court and litigation costs, attorney's fees and the final condemnation awards made.

K. Waiver of Requirements

The Governing Body reserves the right to grant or deny TIF for the development or redevelopment of a District under circumstances beyond the scope of this Policy, or to waive any procedural requirement. However, no such action or waiver shall be taken or made except upon a finding by the Governing Body that a compelling or imperative reason or emergency exists, and that such action or waiver is found and declared to be in the public interest. The Governing Body shall not waive any procedural requirement of State law.

1.05 PROCEDURES

The following basic procedures shall govern the approval of TIF Projects within the City. All requests for Tax Increment Financing shall be considered and acted upon in accordance with this Policy.

A. Proposal

The applicant shall apply for approval of a TIF Project by filing with the City Clerk five (5) copies of a written proposal on a form provided by the Finance Department. The proposal shall include, but is not limited to: (a) a proposed comprehensive plan that identifies all the proposed redevelopment project areas and that identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each redevelopment project area; (b) description and map of the proposed redevelopment district; (c) description of the proposal boundaries of the redevelopment district; (d) information regarding expected capital expenditure by the applicant; and (e) a proposal for development assistance. The City Clerk shall distribute the copies to: City Administrator, City Attorney, Chief Financial Officer, City Financial Advisor, and City Bond Counsel. The City will consider full and complete proposals, and additional information as may be requested by the Governing Body. Any inaccuracy, misstatement of or error in fact may render the proposal null and void and may be cause for the repeal of any development assistance rendered through the TIF statutes granted by the City in reliance upon said information.

B. Proposal and Renewal Fees

All proposals shall be accompanied by an application fee of \$1,000. This fee is in addition to other fees which may be required by the City, including fees for the issuance of tax exempt or taxable bonds, costs incurred for preparation of the Feasibility Study as required by K.S.A. 17-1441, costs associated with the Cost and Benefit Analysis required by the City and costs incurred, if any, for review and work done by the City's Financial Advisor and Bond Counsel. Actual costs incurred for review

shall be billed by the City Clerk for payment within thirty (30) days of the review process.

C. Initial Review Procedure

On receipt of the completed proposal and the required fee, the City Administrator shall determine whether the proposal is complete and sufficient for review. If the proposal is incomplete, the City Administrator shall immediately notify the applicant of the need for such changes or additions as deemed necessary. The matter shall then be referred to the City Attorney for a decision as to whether the proposed area of redevelopment meets the requirements of a redevelopment district, as described under K.S.A. 12-1771. The City Administrator shall notify the Finance, Administration and Operations Committee of the Governing Body, if the proposal is found complete and is for a purpose, which appears to be authorized by law.

D. Review by Finance, Administration and Operations Committee

The Finance, Administration and Operations Committee ("Committee") shall review requests and applications for TIF, evaluate the proposed TIF District and verify that redevelopment is necessary to promote the general and economic welfare of the City, gather and review such additional information as may be deemed necessary to determine if the applicant meets the objectives of this Policy, conduct preliminary discussions with the applicant, discuss terms of an agreement to be drafted by the City Attorney or his/her designee for Governing Body consideration and to recommend to the Governing Body whether the proposal should be favorably considered. In reviewing the information, the Committee may utilize the services of consultants, including but not limited to bond counsel and financial advisers. Committee records, including proposals

submitted for TIF, may be withheld from public disclosure as provided under the Kansas Open Records Act, but shall be available for public inspection when otherwise required by law.

E. Governing Body Action

1. Reviewing and Establishing the TIF District

Upon receiving the recommendation of the Committee, the Governing Body shall determine whether to reject the TIF proposal or to further consider the request. Upon a favorable vote for further consideration, the Governing Body shall take action to establish a TIF District, unless such District is already in existence. The Governing Body must conclude that redevelopment of the proposed area is necessary to promote the general and economic welfare of the City. If such a finding is made the Governing Body may adopt a resolution.

a. TIF District Resolution

The resolution shall state that the City is considering the establishment of a TIF District; additionally, it shall: (1) give notice that a public hearing will be held to consider the establishment of a redevelopment district and to fix the date, hour and place of such hearing; (2) describe the proposed boundaries of the redevelopment district; (3) describe a proposed comprehensive plan that identifies all of the proposed redevelopment project areas and that identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each development project area; (4) state that a description and map of the

proposed redevelopment district are available for inspection at a time and place designated; and (5) state that the Governing Body will consider findings necessary for the establishment of a redevelopment district.

No elected or appointed officer, employee or committee of the City, and no Chamber of Commerce, Board, Development Council, or other public or private body or individual, shall be authorized to speak for and commit the Governing Body to the provision of TIF, nor to the establishment of a TIF District. Such resolution shall be an expression of good faith intent, but shall not in any way bind the City to establishing a TIF District.

b. Notice and Hearing

No TIF District shall be established, nor TIF granted, by the City prior to notice and a public hearing as required by K.S.A. 12-1771. Upon request, the City Clerk shall provide any public agency with a copy of the proposal and a description and map of the proposed TIF District. The applicant may, but is not required, to attend the public hearing.

c. Establishing the TIF District

Upon the conclusion of the public hearing and determination by Merriam City Attorney that the proposed area complies with K.S.A. 17-1771, the Governing Body may establish the TIF District by ordinance. Any addition of area to the TIF District or any substantial change to the comprehensive plan

shall be subject to the same procedure for public notice and hearing as is required for the establishment of the District.

2. The Redevelopment Project

The Governing Body and the Planning Commission will consider the redevelopment project as proposed. Together, they will prepare a redevelopment plan. The Planning Commission must determine that the Plan is consistent with the comprehensive general plan for the development of the City.

a. Redevelopment Plan

The redevelopment plan shall include: (1) a summary of the Feasibility Study; (2) a reference to the redevelopment district that identifies the redevelopment project area that is set forth in the comprehensive plan that is being considered; (3) a description and map of the area to be redeveloped; (4) the relocation assistance plan, as required by K.S.A. 17-7777; (5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and (6) any other information the Governing Body deems necessary to advise the public of the intent of the Plan.

A copy of the redevelopment plan shall be delivered to the Johnson County Board of Commissioners and the Board of Education of any school district levying taxes on property within the proposed redevelopment

project area. Upon a finding by the Planning Commission that the redevelopment plan is consistent with the comprehensive general plan for the development of the City, and determination by the Governing Body that said Plan shall be further considered, the Governing Body will or may adopt a resolution.

b. Redevelopment Plan Resolution

The resolution shall state that the Governing Body is considering the adoption of the Plan. Such resolution shall: (1) give notice that a public hearing will be held to consider the adoption of the redevelopment plan and fix the date, hour and place of such public hearing; (2) describe the boundaries of the TIF District within which the redevelopment project will be located and the date of establishment of such a district; (3) describe the boundaries of the area proposed to be included within the TIF Project area; and (4) state that the redevelopment plan, including a summary of the Feasibility Study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped are available for inspection during regular office hours in the office of the City Clerk.

Where the Governing Body determines that it will or may issue full faith and credit tax increment bonds to

finance the redevelopment project, in whole or in part, the resolution shall also include notice thereof.

The date fixed for the hearing shall be no less than 30 or more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

3. Hearing

At the public hearing, a representative of the City shall present the City's proposed redevelopment plan. Following the presentation of the Plan, all interested persons shall be given an opportunity to be heard. The Governing Body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

Following the public hearing, the Governing Body may adopt the redevelopment plan by ordinance passed upon a 2/3 vote. Any substantial changes to the Plan as adopted shall be subject to public hearing.

No full faith and credit bonds or special obligation bonds may be issued until the sixty- day protest period expires after the date of the public hearing.

F. Acquisition of Land

The City may proceed to acquire property within the TIF District by purchase or eminent domain (with 2/3 vote of the Governing Body) and implement the Plan. However, the City may not exercise eminent domain in conservation areas.

1.06 RESPONSIBILITY FOR ENFORCEMENT

The City Administrator shall be responsible to the Governing Body for the enforcement of this Policy. The City's Chief Financial Officer shall assist in the implementation of this Policy.

REFERENCES

K.S.A. 12-1770 through 12-1780; 12-17,110; and 12-1740.

APPROVED BY THE GOVERNING BODY ON 7/28/97

CITY OF MERRIAM

CITY COUNCIL POLICY MANUAL

POLICY NO. 125

ADVERTISING OF ORDINANCES, RESOLUTIONS, PUBLIC HEARING NOTICES, INVITATIONS TO BID AND OTHER LEGAL NOTICES

The City Council maintains a strong commitment to informing the public of actions, bids, meetings and hearings relating to city business.

- 1.01 The City designates the Legal Record of Johnson County as the official city newspaper.
- 1.02 All legal notices requiring legal publication shall be published in the city's official newspaper.

As a courtesy to the public, the City will also provide the following notices and publications whenever possible.

- 2.01 All City Council public hearing notices and invitations to bid will be placed in the KC Star Neighborhood News Section (Shawnee/Lenexa and Shawnee Mission editions). The notices can be summarized and refer to the city's website.
- 2.02 Planning Commission public hearings involving legislative issues shall be placed in the KC Star Neighborhood News Section. Legislative issues include changes to the zoning ordinances, sign code and comprehensive plan.
- 2.03 All public hearing notices and invitations to bid will be posted on the City's official website. Other publications may include trade magazines, contractor journals and other websites as deemed appropriate.
- 2.04 Copies of the Legal Record of Johnson County will be made available to the public whenever received at City Hall and the Community Center.
- 2.05 Copies of the Legal Record of Johnson County will be provided by the City to the Governing Body members.

APPROVED BY THE GOVERNING BODY ON MARCH 24, 2003

CITY OF MERRIAM

CITY COUNCIL POLICY MANUAL

POLICY NO. 126

CITY-WIDE SOLID WASTE COLLECTION PROGRAM

The City Council maintains a strong commitment to bettering the services available to the citizens of Merriam by implementing a city-wide solid waste collection program. City ordinances require that residential properties receive weekly trash service from an authorized hauler. Prior to a city-wide program, residents procured solid waste services individually.

- 1.01 The city-wide program includes all single-family and duplex residential properties. (approximately 2900 parcels)
- 1.02 City Council may determine a preferred vendor for negotiation of a city-wide contract. Term of the contract will be determined during negotiations.
- 1.03 The funding for the city-wide program will be generated through a special assessment on the residents' property tax bill. Assessment amount will be established by the City Council as part of the annual budget process. Program revenues and expenditures will be accounted for in line items in the general fund but will be tracked as a separate service.
 - 1.03.1 The special assessment will include an administrative fee to be deposited in to the City's general fund. The administrative fee will be determined by the City Council as part of the annual budget process. The administrative fee should be sufficient to offset administrative and staff cost associated with administering, negotiating and performing other operations associated with the program.
- 1.04 Recycling and other collection options will not be included as part of the city-wide program. The additional services must be arranged by the individual property owner.
- 1.05 Residents living in Antioch Hills, Brookhaven and Edelweiss homes associations will be excluded from the city-wide program.
- 1.06 Special considerations for residents seeking ADA considerations will be made.

- 1.07 Individual residents may choose to opt out of the program by completing and filing with the City an “opt out” form. The form will include the acknowledgment of City ordinances requiring weekly trash collection and assurance that services are being provided as per City Code. An annual open enrollment period for inclusion, exclusion or other changes will occur in or before August of each year.

**APPROVED BY THE GOVERNING BODY ON APRIL 28, 2003.
REPEALED BY THE GOVERNING BODY ON AUGUST 9, 2010**

Repealed

CITY OF MERRIAM

CITY COUNCIL POLICY MANUAL

POLICY NO. 127

FUND BALANCE AND RESERVE POLICY

The City Council is committed to maintaining a prudent level of financial resources to avoid a reduction of service levels or an increase in taxes due to an economic downturn or unforeseen expenditures. The Government Finance Officers Association's (GFOA) best practice recommends that governments establish a level of unrestricted fund balance (reserve) specific to its circumstances.

Relevant factors include the predictability of revenue, volatility of expenditures, cash flow requirements, potential for natural or manmade emergencies, and the government's size. In particular, Merriam relies heavily on sales tax revenues, which may be negatively impacted by economic downturns or state law changes that affect situs of retail sales. Additionally, GFOA recommends that unrestricted fund balance levels be established within the context of long-term financial forecasting to avoid an emphasis upon the balance at any one time.

- 1.01 The fund balance target for the combined General Fund and Risk Management Fund* is 30 to 35% of budgeted annual General Fund revenues. The target is a goal which may fluctuate from year to year in the normal course of operations.
- 1.02 The combined General Fund and Risk Management Fund balances may be reduced below the target range for emergency needs, prolonged economic downturn, unanticipated expenditure requirements or other non-recurring needs at the discretion of the Governing Body.
- 1.03 If projections indicate the unrestricted General Fund and Risk Management Fund balances will fall below the target range at the completion of any fiscal year, the City Administrator shall prepare and submit a financial plan to restore the minimum target amount within the ensuing five-year financial planning period for the General Fund.
- 1.04 To the extent that budgeted reserves exceed policy requirements, they may be accessed subject to Council Policy No. 106.
- 1.05 The Equipment Reserve Fund will maintain a sufficient fund balance to support new and replacement purchases according to the 10-Year Major Equipment Replacement Schedule. Budgeted transfers from the General Fund to the Equipment Reserve Fund

will support the purchases and will be calculated to minimize significant fluctuations to the General Fund.

*For financial reporting purposes, the Risk Management Fund is combined with the General Fund pursuant to criteria of the Government Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Its balance is classified as “assigned” for risk management purposes as defined in the statement.

APPROVED BY THE GOVERNING BODY APRIL 25, 2005
AMENDED BY THE GOVERNING BODY ON OCTOBER 13, 2014

CITY OF MERRIAM

CITY COUNCIL POLICY MANUAL

POLICY NO. 128

DETENTION WAIVER ALTERNATIVE MITIGATION MEASURES PARTICIPATION LEVEL OBLIGATIONS

- 1.01 The City of Merriam has adopted a Stormwater Management Ordinance (Chapter 7, Article 1 of Merriam Municipal Code) which establishes the stormwater run-off management criteria and the standards for the city's secondary or major drainage system and its components.
- 1.02 As part of the Stormwater Management Ordinance Section 7-2 (7) establishes the criteria for the granting of detention waivers.
- 1.03 Although Section 7-2 (7) *Detention Waivers* requires the developer to either propose or participate in alternative mitigating measures if the increase in runoff from the development will cause or aggravate downstream flooding or overtax existing inadequate or obsolete drainage facilities it does not establish a method for determining a level of participation in alleviating any mitigating measures.
- 1.04 Since the amount of stormwater run-off is directly related to the amount of the impervious surface within a development, the City Council has adopted the following method for determining participating levels for alternative mitigation measures related to the granting of a detention waiver.
- 1.05 The participation level is based on the number of equivalent dwelling units (EDUs) within a proposed development. In the case of a detached single family residential property, an EDU is a single unit. For all other development types, an EDU is calculated as 2,750 square feet of impervious surface.
- 1.06 The City Council shall establish an associated EDU fee which shall be approved as part of the City of Merriam, Kansas Fees and Charges for City Services Schedule.
- 1.07 The participation level shall be calculated in the following manner: the number of EDUs multiplied by the EDU fee. It should be noted that the participation level for alternative mitigation measures does not limit the responsibility of the

developer to address localized flooding or localized inadequate or obsolete existing drainage facilities as required by an approved stormwater study.

1.08 The participation level for alternative mitigation measures shall be paid prior to the issuance of any building, grading or stormwater permit.

1.09 *All fees collected as part of the alternative mitigation measures participation would be set aside for use on stormwater infrastructure related improvements within the City of Merriam.*

APPROVED BY THE GOVERNING BODY ON MARCH 26, 2007.

CITY OF MERRIAM
CITY COUNCIL POLICY MANUAL

POLICY NO. 129

COUNCIL MEMBER REQUESTS FOR RECORDS AND INFORMATION

1.01 General Policy.

It is the policy of the City of Merriam that Council members be provided the information and records reasonably necessary to perform the essential functions of the office of City Council member. The Council respects the day to day operations of the City and wishes to further its policy of access to information and records without causing unnecessary and undue negative impact on such daily operations. This policy sets forth the procedures the Council believes will best accomplish its goals of information access and respect for staff time and City resources.

1.02 Requests for Existing Records.

A Council member may request access to, or copies of, open public records that are reasonably necessary to the performance of his/her official duties. All Council member record requests made pursuant to the provisions of this Policy shall be submitted to the City Administrator.

a. Closed Records. If a record requested by a Council member is either mandatorily or discretionarily closed by law, the City Administrator will so advise the requesting Council member and shall not release such record for inspection or copying.

1. The requesting Council member may appeal to the City Council the determination of the City Administrator regarding closure of the requested record. If a majority of the membership of the City Council determines that the discretionarily closed record should be open and is necessary for the performance of the Council member's official duties, the City Administrator shall comply with the request and provide access to, or copies of, such record within a reasonable period of time, taking into consideration the current workload of the City Administrator and staff. No charge for staff time or copies will be assessed to the Council member.

b. Open Records. If a record requested by a Council member is an open public record as defined by the Kansas Open Records Act (KORA), K.S.A. 45-215, et seq., the City Administrator or his/her designee shall determine the approximate amount of time necessary to fulfill the Council member record request.

1. If the City Administrator or his/her designee determines that it will take less than two (2) hours to comply with a Council member's record request, the City Administrator will comply with the request and provide access to, or copies of, such records within a reasonable time period, taking into consideration the current workload of City Administrator and staff. No charge for staff time or copies will be assessed to the Council member.

2. If the City Administrator or his/her designee determines that it will take two (2) or more hours to comply with a Council member's record request, the City Administrator shall so advise the requesting Council member and shall forward the record request (in writing) to the Mayor and Council President who will determine within a reasonable time whether the records requested are reasonably necessary for the performance of the Council member's official duties.

a) If, upon review of the record request, the Mayor and Council President determine that such records are necessary for the performance of the Council member's official duties, they shall so inform the Council member and City Administrator in writing. The City Administrator shall then comply with the request and provide access to, or copies of, such records within a reasonable period of time, taking into consideration the current workload of the City Administrator and staff. No charge for staff time or copies will be assessed to the Council member.

b) If, upon review of the record request, the Mayor and Council President determine that such records are not necessary for the performance of the Council member's official duties, they shall so inform the Council member and City Administrator in writing, and neither access to, nor copies of, the records shall be provided to the requesting Council member pursuant to this Policy.

1) The requesting Council member may appeal the determination of the Mayor and Council President to the City Council. If a majority of the membership of the City Council determines that the records requested are necessary for the performance of the Council member's official duties, the City Administrator shall comply with the request and provide access to, or copies of, such records within a reasonable period of time, taking into consideration the current workload of the City Administrator and staff. No charge for staff time or copies will be assessed to the Council member.

2) If a majority of the membership of the Council determines that the requested records are not necessary for the performance of the council member's official duties, the requesting Council member shall be so informed, and neither access to, nor copies of, the records shall be provided to the requesting Council member pursuant to this policy.

c) If, upon review of the record request, the Mayor and Council President are unable to reach a consensus regarding whether the records requested are necessary for the performance of the Council member's official duties, the request shall be forwarded to the full Council for discussion and consideration at the next scheduled meeting of the Council.

1) If a majority of the membership of the City Council determines that the requested records are necessary for the performance of the Council member's official duties, the City Administrator shall comply with the request and provide access to, or copies of, such records within a reasonable period of time, taking into consideration the current workload of the City Administrator and staff. No charge for staff time or copies will be assessed to the Council member.

2) If a majority of the membership of the Council determines that the records are not necessary for the performance of the Council member's official duties, the requesting Council member shall be so informed, and neither access to, nor copies of, the records shall be provided to the requesting Council member pursuant to this Policy.

c. Nothing in this Policy is intended to preclude a Council member from requesting a record pursuant to the provisions of KORA or other applicable law. If a Council member desires the application of the provisions of KORA to his /her record request, such request should be made pursuant to the requirements of Merriam Code Section 2-86 et seq. and KORA, including the payment of reasonable fees associated therewith.

1.03 Requests for Research, Creation of Documents or Other Information.

Any Council member request for research, creation of documents or information that is not in the form of an existing record or document shall be made to the City Administrator. Upon receipt of such request, it shall be the responsibility of the City Administrator to estimate the amount of time it will take City staff to respond thereto.

a. If the City Administrator or his/her designee determines that it will take less than two (2) hours to comply with a Council member's request, the City Administrator will

comply with the request and provide the requested information within a reasonable time period, taking into consideration current workload of City Administrator and staff. No charge for staff time or generation of documents will be assessed to the requesting Council member.

b. If the City Administrator or his/her designee determines that it will take two (2) or more hours to comply with a Council member's request, the City Administrator shall so advise the requesting Council member and shall forward the request (in writing) to the Mayor and Council President who will determine within a reasonable time whether the information requested is reasonably necessary for the performance of the Council member's official duties.

1. If, upon review of the Council member request, the Mayor and Council President determine that such information is necessary for the performance of the Council member's official duties, they shall so inform the Council member and City Administrator in writing. The City Administrator shall then comply with the request and provide the requested information within a reasonable period of time, taking into consideration the current workload of the City Administrator and staff. No charge for staff time or generation of documents will be assessed to the requesting Council member.

2. If, upon review of the Council member request, the Mayor and Council President determine that such information is not necessary for the performance of the Council member's official duties, they shall so inform the Council member and City Administrator in writing and the requested information shall not be provided to the requesting Council member pursuant to this Policy.

a) The requesting Council member may appeal the determination of the Mayor and Council President to the City Council. If a majority of the membership of the City Council determines that the information requested is necessary for the performance of the Council member's official duties, the City Administrator shall comply with the request within a reasonable period of time, taking into consideration the current workload of the City Administrator and staff. No charge for staff time or generation of documents will be assessed to the Council member.

3. If, upon review of the Council member request, the Mayor and Council President are unable to reach a consensus regarding whether the information requested is necessary for the performance of the Council member's official duties, the request shall be forwarded to the full Council for discussion and consideration at the next scheduled meeting of the Council.

a) If a majority of the membership of the City Council determines that the requested information is necessary for the performance of the Council member's official duties, the City Administrator shall comply with the request within a reasonable period of time, taking into

consideration the current workload of the City Administrator and staff. No charge for staff time or generation of documents will be assessed to the Council member.

- b) If a majority of the membership of the Council determines that the requested information is not necessary for the performance of the Council member's official duties, the requesting Council member shall be so informed, and the requested information shall not be provided to the requesting Council member pursuant to this Policy.

APPROVED BY THE GOVERNING BODY ON NOVEMBER 26, 2007.

CITY OF MERRIAM

CITY COUNCIL POLICY MANUAL

POLICY NO. 130

DEBT FINANCING POLICY

- 1.01 The purpose of the City's debt financing policy is to ensure that debt is issued in accordance with established public policy, and is managed in a fiscally prudent manner which:
- a. Complies with federal and state laws
 - b. Seeks to maintain or improve credit ratings
 - c. Minimizes cost to taxpayers
 - d. Does not adversely affect future generations
- 1.02 Debt financing includes general obligation bonds, special assessment bonds, revenue bonds, temporary notes, lease/purchase agreements, and other City obligations permitted to be issued or incurred under Kansas law.

Use of Debt and Debt Issuance Considerations

- 1.03 The City shall limit the use of debt to the financing of capital projects or equipment identified in the associated multi-year programs.
- 1.04 The City shall avoid the use of debt to fund recurring operating expenditures.
- 1.05 The City may issue debt in those instances where public policy, equity and efficient use of limited resources favor debt financing over funding with current revenues. Decision criteria shall include:
- a. The City's current and projected debt level, legal debt limit, overall financial health and economic conditions.
 - b. Availability of alternative financing sources, including use of current revenues (pay-as-you-go financing) and leveraged revenue sources from private and intergovernmental contributions. Projects which include a substantial portion of leveraged financing shall normally be given priority.
- 1.06 The City will consider various factors in determining the capacity to issue debt:
- a. Debt issuance shall not exceed 30% of assessed property valuation, or other amount authorized by state statute.
 - b. Debt issuance should not adversely affect the City's credit rating. Rating agency criteria will be reviewed in conjunction with the City's financial advisor.

Structure of Debt

- 1.07 The life of long-term debt will be matched with, or shorter than, the useful life of the underlying assets financed. Generally, the City will not consider debt structures with a final maturity more than 30 years from the date of issuance.
- 1.08 The City will work with its financial advisor to structure amortization of new bonds in light of existing debt and the City's credit profile.

Credit Ratings

- 1.09 The City will seek credit ratings from at least one major rating agency prior to its sale of debt, if such rating will economically benefit the transaction.
- 1.10 The City will manage its overall finances and its debt in such a way as to maintain a bond rating in one of the two highest categories (without respect to modifiers such as bond insurance).

Credit Enhancement

- 1.11 The City will evaluate the use of credit enhancement (bond insurance) for its bonds where a cost-benefit analysis shows it to be economically advantageous to do so.

Transaction Pricing

- 1.12 Debt will typically be marketed on a competitive bid basis. A negotiated sale may be undertaken upon the recommendation of the City's financial advisor in some circumstances (i.e. very large or very small issue, market volatility). If advised, the City will competitively select the underwriter(s) needed to structure, market, price, and sell the bonds.

Transaction Professionals and Underwriting Team

- 1.13 The City will hire external financial advisors and bond counsel to provide expert advice for the issuance of debt.
- 1.14 In order to prevent real or perceived conflicts of interest and in conformance with municipal market regulations the City's financial advisor may not serve as an underwriter on any City bond issue during its tenure as financial advisor and for two years thereafter.

Refunding Considerations

- 1.15 The City generally will consider refunding opportunities to the extent the following targets can be achieved:
 - a. Current refunding, fixed rate: 3% present value savings of refunded principal.
 - b. Advance refunding, fixed rate: 5% present value savings of refunded principal with strong maturity-by-maturity refunding efficiency.

- 1.16 The City generally will structure refundings to provide level savings over the life of the refunding bonds and will attempt to structure the refunding debt in the same footprint as the refunded debt (e.g., similar repayment schedule and final maturity).
- 1.17 Refunding targets are not intended to prevent restructurings of outstanding indebtedness as necessary to achieve other financial goals of the City.

Use of Variable Rate Bonds, Swaps, and Derivatives

- 1.18 The City generally will pursue traditional, fixed-rate bond structures if feasible.
- 1.19 The City will use variable rate bonds only as part of a comprehensive asset/liability management program and will limit its outstanding, variable rate bonds to levels consistent with the anticipated amount of cash on hand able to produce investment income that can be used as a direct offset to rising rates on the variable rate bonds.
- 1.20 Before the City enters into any swap or derivatives agreement, it will first formally adopt a swap and derivatives policy.

Bond Proceeds Reinvestment

- 1.21 Bond proceeds shall be invested in accordance with the City's Investment Policy No. 121 and K.S.A. 10-131, and amendments thereto.

Financial Reporting Compliance

- 1.22 The City shall insure that it fully complies with all state and federal regulatory requirements including post-issuance compliance related to continuing disclosure, private use and arbitrage rebate. The City maintains a separate post-issuance compliance administrative policy.
- 1.23 The City shall require its financial advisor to prepare an annual debt profile including an assessment of refunding opportunities.

Application of this Policy

- 1.24 This policy shall provide general guidelines for debt financing. The Governing Body shall approve all debt issues.

APPROVED BY THE GOVERNING BODY ON NOVEMBER 27, 2017

Purchasing Policy for the New Community Center Project

Contracts & Purchasing Authority

Purchases authorized by the Assistant City Administrator and the City Administrator must be within the project budget as approved by the City Council.

Purchases up to \$50,000: Asst. City Administrator approval

Purchases \$50,000 – \$100,000: City Administrator approval

Purchases more than \$100,000: City Council Approval

Change Orders

Change orders authorized by the Assistant City Administrator and the City Administrator must be within the project budget as approved by the City Council.

A record of all change orders must be submitted to the Finance Director monthly.

Change order amounts are not cumulative totals.

No cost change orders: Asst. City Administrator Approval

Up to \$50,000: Asst. City Administrator Approval

\$50,000 to \$100,000: City Administrator Approval

More than \$100,000: City Council

This policy pertains only to the New Community Center Construction Project. All other projects are subject to existing policy guidelines.

APPROVED BY THE GOVERNING BODY ON JANUARY 24, 2018