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# **Code of Procedure for Kansas Cities**

## **Second Edition**

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**Ordinance Incorporated by Reference  
Under the Provisions of K.S.A. 12-3009  
through 12-3012, and K.S.A. 12-3301  
and 12-3302**

**by Ordinance No. \_\_\_\_\_**

**City of \_\_\_\_\_, Kansas**

**Prepared by the League of Kansas Municipalities**

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CODE OF PROCEDURE

FOR KANSAS CITIES

Edition of 2006

**Definitions**

**Section 1. Governing Body.** The term governing body shall include the mayor and council, mayor and commissioners, and board of commissioners.

**Section 2. Quorum.** A quorum shall consist of a majority of the members-elect of the city council or city commission. In a council city, the quorum shall not include the mayor.

**Meetings**

**Section 3. Regular Meetings.** Regular meetings of the city will be held at a time, place, and date certain as set by the city by ordinance and in accordance with applicable state law.

**Section 4. Special Meetings.** Special meetings will be held only for a special purpose and will be called in accordance with applicable state law.

**Section 5. Work Sessions.** No agenda is required for a work session and no binding action may be taken during the work session.

**Section 6. Quorum.** A quorum is required at all meetings during which binding action will be taken by the city.

**Section 7. Public Comment.** If public comment is allowed during the meeting, the citizen desiring to comment on matters of a general nature, not specific to an agenda item, shall sign up in advance of the meeting and shall provide his or her name and address for the purpose of putting both in the minutes of the meeting. Any public comment taken on specific agenda items shall require the citizen to state his or her name and address for the minutes. The mayor may limit the time of each citizen based upon the number of people wishing to speak and the amount of time available for the public comment portion of the meeting.

## Agenda

**Section 8. Agenda.** Prior to each regular and special meeting, the city will distribute an agenda to each governing body member and it will be made available to the public at that time.

**Section 9. Setting Agenda.** The governing body of the city shall designate an individual to be in charge of setting the agenda.

**Section 10. Agenda Items.** Any governing body member or staff member of the city may request to have an item placed on the agenda. Members of the public may not place an item on the agenda, but may have a governing body member sponsor such an item.

**Section 11. Additions to Agenda.** Items may be added to or removed from the agenda at a regular meeting by motion approved by a majority of those governing body members present and voting. No items may be added to the agenda of a special meeting.

**Section 12. Order of Business.** At the hour appointed for the meeting, the mayor shall call the meeting to order. In council cities, the president of the council shall chair the meeting in the absence of the mayor. Upon having a quorum present, the governing body shall proceed to business, which shall be conducted in the order set by the governing body.

**Section 13. Consent Agenda.** By majority vote of the governing body, any item may be removed from the consent agenda and considered separately.

**Section 14. Order of Business, Suspended or Amended.** By a majority vote of the governing body, the order of business may be amended to add or delete sections as appropriate, or may be suspended in its entirety to consider other matters. Executive sessions may be held at any time in the order of business.

## Motions

**Section 15. Motions; Second.** All motions require a second before such motion may be considered.

**Section 16. Debate.** All motions are debatable unless otherwise noted in the section governing that motion.

**Section 17. Substantive Motion.** Only one main substantive motion may be pending on the floor at any one time. It must be withdrawn or advanced to a vote before another substantive motion is introduced.

**Section 18. Substitute Motion.** Substitute motions are prohibited. Substantive motions must be withdrawn or advanced before another substantive motion is introduced.

**Section 19. Motion to Amend.** A motion to amend is in order when the proposal is to change, add, or delete words from the main substantive motion. If the motion is to amend a document before voting on its adoption, it is advisable to reduce the change to writing, but it is not required if all members of the governing body understand the amendment. A vote on an amendment is not a final vote on the underlying substantive motion. To pass the underlying substantive motion requires a vote.

**Section 20. Motion to Pass an Ordinance.** All ordinances of the city shall be considered at a public meeting of the governing body. After consideration and amendment (if any) of the ordinance, the question shall be: "Shall the ordinance pass?" No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed.  
[See Sections 33-38 for ordinance voting requirements.]

**Section 21. Motion to Refer.** If the governing body deems it appropriate, it may refer an ordinance, resolution, contract, or other matter back to staff, committee, board, or other appropriate location for further review and consideration. Such motion may or may not contain a time certain for the item to be returned to the governing body.

**Section 22. Motion to Reconsider; Prohibited.** Motions to reconsider are prohibited. Any governing body member may make a new substantive motion on a matter previously considered by the city.

**Section 23. Motion to Call the Previous Question.** This motion is not debatable and, if passed by a majority of the governing body, calls for an immediate vote on the substantive motion. This motion requires a vote.

**Section 24. Motion to go into Executive Session.** The motion to go into executive session shall be made as follows: "I move that the governing body recess into executive session pursuant to the \_\_\_\_\_ exception in order to discuss \_\_\_\_\_ (general description), the open meeting to resume in the city council (commission) chamber at \_\_\_\_\_ (time)." The motion may also state who is to be present in the executive session, although this is not required. This motion must be made, seconded, and carried. Such motion shall be recorded in the minutes of the meeting. The meeting may not reconvene until the time stated in the motion.

**Section 25. Motion to Adjourn to a Later Date and Time.** If the governing body is unable to complete its agenda during the time allotted for the meeting, the meeting may be adjourned to a time and date certain to continue the regular or special meeting. The motion shall state the time, place, and date for the meeting to reconvene. If the motion is adopted, the meeting is adjourned to the specified time, place, and date.

**Section 26. Motion to Adjourn.** At the conclusion of the agenda, a motion to adjourn is in order and requires a majority vote.

### Voting

**Section 27. Form of Vote.** All votes shall be by voice vote or, in the alternative, the mayor may request that a vote be by "show of hands." No vote shall be by secret ballot.

**Section 28. Division.** The mayor or any member may request a formal division of vote. At the discretion of the mayor, division may be by either a poll of each member or a show of hands.

**Section 29. Duty to Vote.** Members of the governing body have a duty to vote unless such member choosing to abstain has a conflict of interest or other conflict that appears to make voting on an issue improper. Any member who abstains must state, for the purpose of its inclusion in the minutes, the reason for the abstention.

**Section 30. Recording.** Upon final passage of a matter, the vote shall be recorded in the minutes.

**Section 31. Votes; Non-Ordinance Matters.** Unless otherwise specifically required by law, the adoption or rejection of resolutions and other motions shall be by a majority of those present. An abstention shall be counted with the prevailing side.

**Section 32. Votes; Mayor in Council City; Non-Ordinance Matters.** The mayor may cast a tie breaking vote when the council is equally divided on a vote in a non-ordinance matter.

**Section 33. Same; Ordinary Ordinance; Council City.** The adoption of an ordinary ordinance requires \_\_\_ affirmative votes of the council.  
[e.g., This is a majority vote of the members-elect of the council, which is three votes on a five member council with a mayor.]

**Section 34. Same; Ordinary Ordinance; Council City; Mayor's Vote.** The mayor may cast the deciding vote in favor of an ordinance at any time that the number of favorable votes is one less than required.

**Section 35. Same; Ordinary Ordinance; Council City; Mayor's Veto.** The mayor in council cities may veto any ordinance passed by the council on or before the next regularly scheduled meeting with the exception of ordinances on which the mayor casts the deciding vote and appropriation ordinances. Ordinances not signed or vetoed by the mayor take effect without the mayor's signature. Any ordinance vetoed by the mayor may be passed over the veto by a vote of \_\_\_ councilmembers. The president of the council, acting in the absence of the mayor, shall have no power to sign or veto ordinances.  
[e.g., This is a three-fourths vote of the number of councilmembers elect, which is four votes on a five member council with a mayor.]

**Section 36. Same; Ordinary Ordinance; Commission City.** The adoption of an ordinary ordinance requires \_\_\_ affirmative votes of the commission.  
[e.g., This is a majority vote of the members-elect of the commission.]

**Section 37. Same; Charter Ordinance; Council City.** The adoption of a charter ordinance requires \_\_\_ affirmative votes of the governing body. The mayor is considered a member of the governing body.  
[e.g., This is a two-thirds vote of the members-elect of the governing body, which is four votes on a five member council with a mayor.]



**Section 38. Same; Charter Ordinance; Commission City.** The adoption of a charter ordinance requires \_\_\_ affirmative votes of the commission. The mayor is considered a member of the governing body.  
[e.g., This is a two-thirds vote of the members-elect of the governing body.]

**Section 39. Same; Council City; Confirmation of Mayoral Appointment to Non-Elected Position.** The mayor may cast the deciding vote when the council is equally divided on a vote for the mayoral appointment to a non-elected position.

**Section 40. Same; Council Cities; Confirmation of Mayoral Appointment to Elected Position.** The mayor may cast the deciding vote when the council is equally divided on a vote to confirm a mayoral appointment to an elected position. In a city of the second class, the mayor participates and votes with the council in such appointment.

**Section 41. Same; Commission City.** The mayor has a vote on all matters. The mayor does not have a "second vote" to break a tie. Appointments in commission cities are by motion, second, and a vote.

#### **Application & Amendment**

**Section 42. Rules.** For those matters not covered by these rules, the procedure shall be as decided by a majority vote of the governing body. These rules may be amended after adoption by a subsequent ordinance amending specific rules as identified in the ordinance. Such ordinance amends the adopting ordinance. The rules may not be suspended by the governing body during any meeting.