

**CITY OF HAYS COMMISSION MEETING
THURSDAY, SEPTEMBER 25, 2014 – 6:30 P.M.
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES**: Consider approval of the minutes from the regular meeting held on September 11, 2014. (PAGE 1)
3. **FINANCIAL STATEMENT**: Consider accepting the Financial Statement for the month of August, 2014. (PAGE 5)
4. **CITIZEN COMMENTS**: (non-agenda items).
5. **CONSENT AGENDA**: (Items to be approved by the Commission in one motion, unless objections are raised).

UNFINISHED BUSINESS

(No business to review)

NEW BUSINESS

6. **RESOLUTION CALLING FOR A PUBLIC HEARING ON THE CREATION OF THE HAYS MALL COMMUNITY IMPROVEMENT DISTRICT (CID)**: Consider approving Resolution No. 2014-022 calling and providing for the giving of notice of a public hearing on October 23, 2014 on the advisability of creating the Hays Mall Community Improvement District. (PAGE 69)
7. **EASEMENT REQUEST – MIDWEST ENERGY**: Consider approving a partial release and modification of the easement located on Lot Two (2), Block Two (2), Southridge Estates Addition. (PAGE 77)
8. **2014 UNIFORM PUBLIC OFFENSE CODE**: Consider approving Ordinance No. 3888 adopting the 2014 Uniform Public Offense Code for Kansas Cities. (PAGE 97)
9. **2014 STANDARD TRAFFIC ORDINANCE**: Consider approving Ordinance No. 3889 adopting the 2014 Standard Traffic Ordinance for Kansas Cities. (PAGE 161)
10. **ORDINANCE REPEALING CERTAIN PROVISIONS OF THE CODE REGARDING TAXICABS**: Consider approving Ordinance No. 3890 repealing certain provisions of the code of ordinances of the City of Hays, Kansas regarding taxicabs. (PAGE 201)
11. **PROGRESS REPORT**
12. **REPORT OF THE CITY MANAGER** (PAGE 211)

13. **COMMISSION INQUIRIES AND COMMENTS**

14. **EXECUTIVE SESSION (IF REQUIRED)**

15. **ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 11, 2014

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 11, 2014 at 6:30 p.m.

Roll Call: Present: Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick
Kent Steward

Chairperson Schwaller declared that a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular session held on August 28, 2014; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: There were no items on the consent agenda.

Assistant City Manager Paul Briseno shared a presentation recognizing city and county government managers because global communities are marking the 100th anniversary of the International City/County Management Association (ICMA).

Mayor Schwaller signed a proclamation recognizing the century-long history of ICMA and its members.

NEW BUSINESS

5. AUTHORIZATION OF FUNDING FOR DOWNTOWN HAYS DEVELOPMENT CORPORATION FOR 2015:

City Commissioners requested that Downtown Hays Development Corp. (DHDC) explain their mission and present their case for continued funding from the City of Hays. Discussion was held at the September 4, 2014 work session regarding their funding and purpose. The City of Hays has allocated \$53,655 in funding for downtown purposes in the 2015 Budget.

Kent Steward moved, Shaun Musil seconded, to authorize expenditures of \$53,655 to the Downtown Hays Development Corporation for 2015.

Commissioner Steward voiced his concerns stating there are real communication problems not only with the Commission, but also with the people downtown and the people in the community. He suggested the DHDC office move downtown, stating the separation puts DHDC out of touch with the downtown community members and their experiences.

Chairperson Schwaller stated he would not vote because he worked on a marketing plan for DHDC through his position at Fort Hays State University.

Vote: Ayes: Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

Abstain: Henry Schwaller IV

6. SOLID WASTE POLYCART PURCHASE:

Current polycarts have been in use since 2008. Physical demands on the polycarts cause some to come into disrepair and require replacement. Replacement must come from an in-house inventory because of the special logo on the polycarts. Additional customers must also be provided polycarts.

Henry Schwaller IV moved, Eber Phelps seconded, to authorize the expenditure of \$21,450 from Solid Waste Reserves to purchase 400 95-gallon

polycarts, 50 wheels, and 50 hinge pins from Rehrig Pacific Company in Desoto, Kansas.

Kent Steward moved, Shaun Musil seconded, to amend the motion to specify that the 400 polycarts be ordered in a single earth tone color instead of blue.

Commissioner Mellick stated they should keep the blue color to maintain consistency.

Chairperson Schwaller was concerned that there is a private hauler that uses a similar cart in the earth tone color and this could cause confusion.

Call for the vote on the amendment to order the 400 polycarts in a single earth tone color.

Vote: Ayes: Shaun Musil

Kent Steward

No: Henry Schwaller IV

Eber Phelps

Ron Mellick

Call for the vote on original motion.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

7. REPORT OF THE CITY MANAGER: City Manager Toby Dougherty reported that the next phase of the 41st Street project is beginning Monday September 15, 2014. City crews will reopen 41st Street from Covenant Drive west to the by-pass and will now be closed from Covenant Drive to Smoky Hill Drive for this next phase of construction.

He also reported that on September 19, 2014 Jana Jordan, the Convention and Visitors Bureau Director, will be retiring after 28 years. He stated she has been a great ambassador for the City of Hays and will be missed.

8. COMMISSION INQUIRIES AND COMMENTS: Commissioner Steward joined in thanking Jana Jordan for her long service.

Commissioner Mellick asked if we had any damage from the recent wind storm.

City Manager Toby Dougherty responded that there was moderate tree damage on City property and a cart shed on the golf course was destroyed.

Commissioner Musil commented on the anniversary of **9/11**.

Commissioner Phelps extended his condolences to Sharon Leikam, former City Commissioner and Mayor of Hays, whose son passed away.

Chairperson Schwaller commented on the new art work in the Commission Chambers done by Thomas Zimmerman of Crossroads Photography and invited the public to come to City Hall and enjoy the photographs.

The meeting was adjourned at 7:05 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

Memo

DATE: September 12, 2014
TO: Toby Dougherty, City Manager
CC: Paul Briseno, Asst City Manager
FROM: Kim Rupp, Finance Director
RE: August 2014 Monthly Financial

The attached report contains the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended August 31, 2014.

Period to Date Financial Performance

Revenues in August totaled \$1,896,318 an increase of \$24,690 compared to the same period as last year.

- Notable areas of increased revenue compared to August 2013
 - R9 Ranch revenue was up \$58,200 as compared to a year ago as a result of an insurance payment on wind damage to a pivot system.
- Notable areas of revenue decrease compared to August 2013
 - There were no significant decreases in revenue as compared to this time last year.

Expenditures in August totaled \$3,176,465 which is an increase of \$75,620 as compared to 2013.

- Notable areas of increased expenditures compared to August 2013
 - Bond and interest fund expenditures were up \$57,536 over last year at this time. As we progress into some of the older issues principal payments increase while interest costs drop slightly. City staff as well as our financial advisor George K Baum continue to monitor our bond issues for any opportunities for refunding.
 - Electricity for buildings and grounds as well as the water treatment plant saw a combined increase of \$36,429 when compared to this time last year.

- Fire insurance trust expenditures increased \$18,600 over last year due to the release of funds to a local homeowner that has satisfied all the requirements of local ordinance in the total loss of his property due to fire.
- Notable areas of decreased expenditures compared to August 2013
 - Payment of the \$100,000 allocation to the Fort Hays State Foundation occurred in July 2013 throwing this line item off for August of this year.
 - Fleet maintenance once again was down \$20,867 when compared to the same period as last year. YTD total fleet maintenance expenditures are down \$50,000 led by fuel and equipment expense which includes repairs, oil, filters and the like.
 - Projects for the swimming pool fell \$8000 due to the wood staining last year.
 - Contingency for water and sewer non-operating expenditures declined \$25,000 due to curb and brick repair required as result of a water main break last year on West 10th.

MTD general fund sales tax collections were at \$617,003 which is a decrease of \$34,952 as compared to last year. This puts the YTD general fund sales tax collections down \$58,144 or -1.19%.

The report of quarter to date (QTD) sales tax collections by industry classification was down \$20,938 or -1.09% when comparing the top ten sales tax collecting industries for the City of Hays. These top ten now represent 71.4% of the total QTD sales tax distribution.

The Finance/City Clerks office invested \$3,500,000 of maturing or renewing certificates with a weighted average interest rate of .22%. The portfolio of certificates of deposit on August 31, 2014 totaled \$52,200,000 with a weighted average interest rate of .23%. The total balance of the Money Market account on August 31, 2014 was \$1,000,000 with a current yield of .20%. Total investments are up \$400,000 when compared to this time last year.

FINANCIAL STATEMENT CITY OF HAYS, KANSAS

This Document is for Internal Use and Represents Un-audited Figures

As of August 31, 2014

CASH BALANCE

| | |
|-------------------------|-----------------|
| Total Cash in All Funds | \$53,478,745.57 |
|-------------------------|-----------------|

STATEMENT OF CREDITS

| | |
|------------------------------|-------------------|
| Checking Accounts with Banks | \$277,245.57 |
| Money Market Accounts | \$1,000,000.00 |
| Investments | \$52,200,000.00 |
| Cash in Office | <u>\$1,500.00</u> |
| TOTAL | \$53,478,745.57 |

STATEMENT OF CURRENT OBLIGATIONS

| | |
|---------------------------|---------------------|
| General Obligation Bonds | \$12,500,000.00 |
| Temporary Notes | \$0.00 |
| State Revolving Loan Fund | \$0.00 |
| Revenue Bonds | \$3,390,000.00 |
| Lease Purchase Agreements | <u>\$381,670.75</u> |
| | \$16,271,670.75 |

**CITY OF HAYS
INVESTMENTS AS OF
8/31/2014**

| <u>Commerce Bank</u> <u>CD #</u> | <u>Certificates of Deposit</u> | <u>Date Issued</u> | <u>Maturity Date</u> | <u>Interest Rate</u> | <u>Interest at Maturity</u> |
|-------------------------------------|--------------------------------|--------------------|----------------------|----------------------|-----------------------------|
| 909 | 2,000,000.00 | 6/3/2013 | 9/3/2014 | 0.15% | 3,756.16 |
| 422 | 750,000.00 | 9/6/2013 | 9/9/2014 | 0.14% | 1,058.63 |
| 304 | 1,000,000.00 | 6/14/2013 | 9/14/2014 | 0.16% | 2,003.29 |
| 676* | 1,000,000.00 | 7/19/2013 | 10/31/2014 | 0.18% | 2,312.88 |
| 079* | 750,000.00 | 8/29/2013 | 11/14/2014 | 0.18% | 1,634.79 |
| 803* | 1,000,000.00 | 9/20/2013 | 11/28/2014 | 0.16% | 1,902.47 |
| 827* | 2,000,000.00 | 9/20/2013 | 12/12/2014 | 0.17% | 4,173.15 |
| 675* | 1,750,000.00 | 10/18/2013 | 1/9/2015 | 0.16% | 3,436.71 |
| 901* | 1,000,000.00 | 8/23/2013 | 2/20/2015 | 0.21% | 3,147.37 |
| 746* | 1,000,000.00 | 2/14/2014 | 5/29/2015 | 0.19% | 2,441.37 |
| 28 | 2,000,000.00 | 6/6/2013 | 6/6/2015 | 0.21% | 8,400.00 |
| 956* | 1,200,000.00 | 4/7/2014 | 7/24/2015 | 0.21% | 3,265.64 |
| 902* | 1,000,000.00 | 8/23/2013 | 8/23/2015 | 0.27% | 5,400.00 |
| 460 | 2,000,000.00 | 6/10/2014 | 9/4/2015 | 0.24% | 5,930.96 |
| 465 | 2,500,000.00 | 6/12/2014 | 9/18/2015 | 0.20% | 6,342.47 |

Sunflower Bank
CD #

Certificates of Deposit

Equity Bank
CD #

Certificates of Deposit

| | | | | | |
|-----|--------------|------------|------------|-------|-----------|
| 332 | 1,000,000.00 | 11/8/2013 | 11/8/2014 | 0.20% | 2,000.00 |
| 161 | 1,200,000.00 | 9/27/2013 | 12/26/2014 | 0.19% | 2,842.19 |
| 296 | 1,450,000.00 | 10/23/2013 | 1/23/2015 | 0.20% | 3,630.96 |
| 323 | 1,000,000.00 | 10/31/2013 | 2/6/2015 | 0.19% | 2,410.14 |
| 341 | 1,300,000.00 | 11/8/2013 | 3/6/2015 | 0.25% | 4,300.68 |
| 386 | 1,000,000.00 | 11/14/2013 | 3/19/2015 | 0.22% | 2,953.42 |
| 828 | 1,650,000.00 | 3/28/2013 | 3/28/2015 | 0.32% | 10,560.00 |
| 440 | 3,300,000.00 | 1/22/2014 | 4/17/2015 | 0.49% | 19,935.62 |
| 503 | 1,500,000.00 | 1/31/2014 | 5/14/2015 | 0.37% | 7,116.16 |
| 620 | 1,000,000.00 | 3/21/2014 | 7/10/2015 | 0.22% | 2,869.04 |
| 638 | 3,000,000.00 | 4/22/2014 | 8/11/2015 | 0.22% | 8,607.12 |
| 647 | 1,500,000.00 | 5/2/2014 | 8/28/2015 | 0.21% | 4,168.36 |
| 692 | 2,500,000.00 | 6/13/2014 | 10/2/2015 | 0.23% | 7,498.63 |
| 719 | 1,400,000.00 | 7/25/2014 | 10/16/2015 | 0.23% | 3,699.40 |
| 737 | 2,000,000.00 | 8/8/2014 | 10/30/2015 | 0.22% | 5,425.10 |
| 746 | 1,500,000.00 | 8/29/2014 | 11/13/2015 | 0.23% | 4,168.36 |

Astra Bank
CD #

Certificates of Deposit

| | | | | | |
|-------|--------------|------------|------------|-------|----------|
| 37856 | 1,000,000.00 | 6/28/2013 | 10/3/2014 | 0.16% | 2,025.21 |
| 37857 | 1,000,000.00 | 6/28/2013 | 10/17/2014 | 0.16% | 2,086.58 |
| 37952 | 1,200,000.00 | 12/13/2013 | 4/3/2015 | 0.20% | 3,129.86 |
| 38009 | 750,000.00 | 2/21/2014 | 6/12/2015 | 0.20% | 1,956.16 |
| 38015 | 1,000,000.00 | 3/7/2014 | 6/26/2015 | 0.19% | 2,477.81 |

Emprise Bank
CD#

Certificates of Deposit

Bank of Hays
CD#

Certificates of Deposit

52,200,000.00

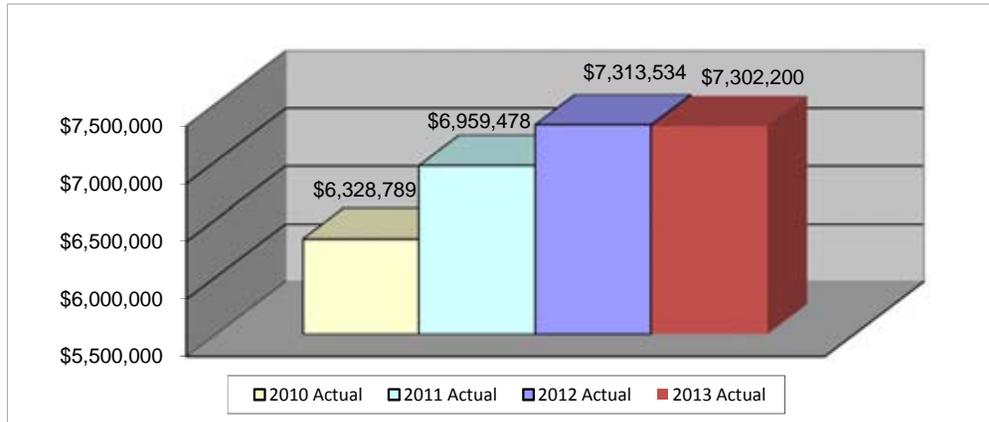
159,066.69

| | | |
|------------------------------------|--------------|-------|
| <u>Astra Bank</u> <u>MMA</u> | | 0.03% |
| <u>Commerce Bank</u> <u>MMA</u> | 1,000,000.00 | 0.20% |

SALES TAX RECEIPTS
City of Hays
General Fund 1.25%

| | 2010 actual | 2011 actual | 2012 actual | 2013 actual | 2014 actual | Change from 2013 | YTD % Change from 2013 |
|-----------|----------------|----------------|----------------|----------------|----------------|---------------------|---------------------------|
| January | \$539,129 | \$543,135 | \$611,353 | \$630,469 | \$ 591,886 | (\$38,583) | -6.12% |
| February | \$496,164 | \$686,869 | \$702,298 | \$687,316 | \$ 693,745 | \$6,429 | -2.44% |
| March | \$551,958 | \$576,013 | \$563,583 | \$561,055 | \$ 555,681 | (\$5,374) | -2.00% |
| April | \$417,362 | \$460,066 | \$509,945 | \$523,623 | \$ 519,570 | (\$4,053) | -1.73% |
| May | \$519,366 | \$569,624 | \$611,234 | \$591,279 | \$ 597,391 | \$6,112 | -1.18% |
| June | \$522,834 | \$573,474 | \$608,325 | \$567,547 | \$ 609,416 | \$41,869 | 0.18% |
| July | \$511,370 | \$570,421 | \$621,448 | \$679,311 | \$ 649,718 | (\$29,593) | -0.55% |
| August | \$567,989 | \$555,561 | \$671,019 | \$651,955 | \$ 617,003 | (\$34,952) | -1.19% |
| September | \$543,507 | \$573,336 | \$572,295 | \$611,782 | | | |
| October | \$592,063 | \$648,649 | \$648,340 | \$650,165 | | | |
| November | \$525,702 | \$580,035 | \$638,490 | \$553,637 | | | |
| December | \$541,345 | \$622,295 | \$555,204 | \$594,061 | | | |

TOTALS \$6,328,789 \$6,959,478 \$7,313,534 \$7,302,200 \$4,834,410 (\$58,145)
 -0.18% 9.97% 5.09% -0.15%
 Total Inc/dec over previous year



| 2012 - 2013 - 2014 6 month running avg | |
|---|--------|
| January | -1.68% |
| February | -0.98% |
| March | -2.20% |
| April | -2.44% |
| May | 0.10% |
| June | 0.18% |
| July | 0.43% |
| August | -0.73% |
| September | |
| October | |
| November | |
| December | |

**General Fund revenues provide funding for City services including police, fire, street, parks, swimming pool and golf course. It also provides funding to outside agencies such as Economic Development, Downtown Hays Development, United Way CARE Council and Fort Hays State Scholarships.

Sales Tax Collections by Industry Classification - Top Ten
 QTD 2013-2014 June, July, August

| | 2013 | 2014 | \$\$ inc/dec | % inc/dec | % of 2013 Total |
|---|-------------|-------------|--------------|-----------|-----------------|
| 452 General Merchandise Stores | \$536,541 | \$478,676 | (\$57,865) | -10.78% | 18.02% |
| 441 Motor Vehicle and Parts Dealers | \$416,035 | \$409,145 | (\$6,890) | -1.66% | 15.40% |
| 722 Food Services and Drinking Places | \$251,554 | \$259,800 | \$8,246 | 3.28% | 9.78% |
| 444 Building Material and Garden Supply | \$233,657 | \$237,543 | \$3,886 | 1.66% | 8.94% |
| 445 Food and Beverage | \$144,652 | \$156,583 | \$11,931 | 8.25% | 5.89% |
| 517 Telecommunications | \$61,820 | \$58,196 | (\$3,624) | -5.86% | 2.19% |
| 448 Clothing and Clothing Accessories | \$85,646 | \$91,154 | \$5,508 | 6.43% | 3.43% |
| 423 Merchant Wholesalers, Durable Goods | \$93,212 | \$102,727 | \$9,515 | 10.21% | 3.87% |
| 721 Accommodation | \$67,667 | \$64,783 | (\$2,884) | -4.26% | 2.44% |
| 451 Sporting Goods, Hobby, Book & Music | \$28,094 | \$39,333 | \$11,239 | 40.00% | 1.48% |
| | \$1,918,878 | \$1,897,940 | (\$20,938) | -1.09% | 71.44% |

**MONTHLY STATEMENT OF CITY TREASURER
8/1/2014 THROUGH 8/31/2014**

| FUND | BALANCE 8/1/2014 | RECEIPTS | DISBURSEMENTS | BALANCE 8/31/2014 |
|---|-----------------------------|-----------------|----------------------|------------------------------|
| Cash Drawer | \$1,500.00 | | | \$1,500.00 |
| General | \$5,662,075.68 | 779,662.58 | 752,999.49 | \$5,688,738.77 |
| Petty Cash | \$1,000.00 | | | \$1,000.00 |
| Reserve Budget Stabilization | \$3,221,180.75 | | | \$3,221,180.75 |
| Library | \$0.00 | | | \$0.00 |
| Airport | \$119,847.10 | 4,846.83 | 21,362.49 | \$103,331.44 |
| Public Safety Equipment | \$418,569.79 | 0.00 | 1,817.95 | \$416,751.84 |
| Employee Benefit Contribution | \$2,046,289.71 | 3,559.79 | 256,918.09 | \$1,792,931.41 |
| Special Highway | \$382,359.97 | 0.00 | 270,022.05 | \$112,337.92 |
| Special Park & Recreation | \$166,234.78 | 0.00 | 650.00 | \$165,584.78 |
| Special Alcohol Program | \$111,529.03 | | | \$111,529.03 |
| Convention & Tourism | \$813,001.52 | 3,287.00 | 36,220.76 | \$780,067.76 |
| New Equipment Reserve | \$3,372,076.67 | 802.52 | 0.00 | \$3,372,879.19 |
| Grants | \$0.00 | | | \$0.00 |
| Library Employee Benefit | \$0.00 | | | \$0.00 |
| Golf Course Improvement | \$63,579.99 | 0.00 | (8.40) | \$63,588.39 |
| Park Development - Green Space | \$5,026.93 | | | \$5,026.93 |
| Law Enforcement Block Grant | \$0.00 | 3,100.00 | 0.00 | \$3,100.00 |
| Sports Complex | \$1,984,032.73 | 5,000.00 | 0.00 | \$1,989,032.73 |
| Stormwater Management | \$451,767.86 | 0.00 | (70,998.06) | \$522,765.92 |
| Parks Improvement Fund | \$7,953.66 | 0.00 | 2,903.81 | \$5,049.85 |
| Ellis Co. Sales Tax | \$0.00 | 153,632.81 | 153,632.81 | \$0.00 |
| Capital Projects | \$3,057,713.37 | 0.00 | 212,775.06 | \$2,844,938.31 |
| Airport Improvement | (\$233,966.43) | 0.00 | 13.18 | (\$233,979.61) |
| Bond & Interest | \$1,293,002.09 | 0.00 | 1,166,036.26 | \$126,965.83 |
| TDD Sales Tax | \$20,252.25 | 21,323.68 | 20,952.25 | \$20,623.68 |
| Home Depot Econ Dev Bds | \$298,252.43 | 14,216.00 | 163,352.51 | \$149,115.92 |
| Home Depot Econ Dev Bds (Cash Restr.) | \$24,608.90 | | | \$24,608.90 |
| 48th/Roth Ave. - CID | \$552.27 | | | \$552.27 |
| | | | | \$0.00 |
| Restricted Cash - 2009 A Bonds | \$65,352.00 | | | \$65,352.00 |
| Sales Tax (Cash Reserve) | \$26,315,081.48 | 25.00 | 51,699.36 | \$26,263,407.12 |
| Water & Sewer | \$2,913,958.56 | 830,274.01 | 519,779.51 | \$3,224,453.06 |
| Water & Sewer (Bond & Interest Reserve) | \$102,030.92 | | | \$102,030.92 |
| Water & Sewer (Bond Reserve Account) | \$0.00 | | | \$0.00 |
| Water & Sewer (Capital Reserve) | \$1,424,299.61 | 0.00 | 94,719.34 | \$1,329,580.27 |
| Water & Sewer(Reserve 2009A) | \$598,795.06 | 0.00 | 317,997.92 | \$280,797.14 |

| FUND | BALANCE 8/1/2014 | RECEIPTS | DISBURSEMENTS | BALANCE 8/31/2014 |
|-----------------------------|-------------------------------|------------------------------|------------------------------|-------------------------------|
| Solid Waste Fund | \$242,609.72 | 5,026.64 | (41,594.61) | \$289,230.97 |
| Solid Waste Reserve | \$516,554.56 | | | \$516,554.56 |
| Fire Insurance Trust | \$18,600.00 | 0.00 | 18,600.00 | \$0.00 |
| | \$0.00 | | | \$0.00 |
| Municipal Court Agency Fund | \$120,255.02 | 0.00 | 2,137.50 | \$118,117.52 |
| | <u>\$55,605,977.98</u> | <u>\$1,824,756.86</u> | <u>\$3,951,989.27</u> | <u>\$53,478,745.57</u> |

City of Hays Revenues

Month of August

| | <u>Budgeted</u> 2014 | <u>Collections</u> Current Mo. | <u>Collections</u> To Date | <u>Balance</u> |
|--|-------------------------|-----------------------------------|-------------------------------|------------------|
| General | | | | |
| <u>CULTURE & RECREATION REVENUES</u> | | | | |
| Total Revenues | \$440,803.00 | \$20,082.43 | \$338,696.62 | (\$102,106.38) |
| <u>GENERAL GOVERNMENT REVENUES</u> | | | | |
| Total Revenues | \$11,179,728.00 | \$776,156.37 | \$8,046,226.95 | (\$3,133,501.05) |
| <u>PUBLIC SAFETY REVENUES</u> | | | | |
| Total Revenues | \$613,000.00 | \$52,556.50 | \$461,026.45 | (\$151,973.55) |
| <u>PUBLIC WORKS REVENUES</u> | | | | |
| Total Revenues | \$10,300.00 | \$1,765.00 | \$12,475.00 | \$2,175.00 |
| Library | | | | |
| <u>LIBRARY FUND REVENUES</u> | | | | |
| Total Revenues | \$1,216,730.00 | \$0.00 | \$1,152,869.65 | (\$63,860.35) |
| Airport | | | | |
| <u>AIRPORT FUND REVENUES</u> | | | | |
| Total Revenues | \$332,620.00 | \$4,796.83 | \$276,971.61 | (\$55,648.39) |
| Employee Benefit | | | | |
| <u>EMPLOYEE BENEFIT REVENUES</u> | | | | |
| Total Revenues | \$3,389,040.00 | \$616.17 | \$3,272,255.12 | (\$116,784.88) |
| Special Highway | | | | |
| <u>SPECIAL HIGHWAY REVENUES</u> | | | | |
| Total Revenues | \$584,450.00 | \$0.00 | \$436,729.57 | (\$147,720.43) |
| Special Park & Rec | | | | |
| <u>SPECIAL PRK & REC REVENUES</u> | | | | |
| Total Revenues | \$135,803.00 | \$0.00 | \$61,870.89 | (\$73,932.11) |
| Special Alcohol Fund | | | | |
| <u>SPECIAL ALCOHOL FUND REVENUES</u> | | | | |
| Total Revenues | \$135,803.00 | \$0.00 | \$62,706.91 | (\$73,096.09) |
| Convention & Visitors Bureau | | | | |
| <u>CONVENTION & VISITOR'S REVENUE</u> | | | | |
| Total Revenues | \$787,000.00 | \$3,287.00 | \$554,537.41 | (\$232,462.59) |
| Library Employee Benefit | | | | |
| <u>LIBRARY EMP. BENEFIT REVENUES</u> | | | | |
| Total Revenues | \$184,568.00 | \$0.00 | \$174,810.41 | (\$9,757.59) |
| Risk Management | | | | |
| <u>RISK MANAGEMENT REVENUES</u> | | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Golf Course Improvement | | | | |
| <u>GOLF COURSE IMPR. FUND REVENUE</u> | | | | |
| Total Revenues | \$0.00 | \$8.40 | \$19,761.40 | \$19,761.40 |
| Park Development | | | | |
| <u>PARK DEVELOPMENT FUND-REVENUE</u> | | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Law Enforcement Grant | | | | |
| <u>DOJ PROGRAM-REVENUES</u> | | | | |
| Total Revenues | \$0.00 | \$3,100.00 | \$3,100.00 | \$3,100.00 |
| Sports Complex | | | | |
| <u>SPORTS COMPLEX-REVENUES</u> | | | | |
| Total Revenues | \$0.00 | \$5,000.00 | \$21,000.00 | \$21,000.00 |
| <u>STORMWATER MANAGEMENT REVENUES</u> | | | | |
| Total Revenues | \$772,500.00 | \$76,233.85 | \$536,568.66 | (\$235,931.34) |

| | <u>Budgeted</u> <u>2014</u> | <u>Collections</u> <u>Current Mo.</u> | <u>Collections</u> <u>To Date</u> | <u>Balance</u> |
|---|--------------------------------|--|--------------------------------------|-------------------------|
| <u>PARKS IMPROVEMENT FUND-REVENUE</u> | | | | |
| Total Revenues | \$0.00 | \$0.00 | \$16,781.17 | \$16,781.17 |
| <u>ELLIS CO. SALES TAX-REVENUES</u> | | | | |
| Total Revenues | \$0.00 | \$153,632.81 | \$1,206,403.13 | \$1,206,403.13 |
| Bond & Interest | | | | |
| <u>BOND & INTEREST REVENUES</u> | | | | |
| Total Revenues | \$1,334,163.00 | \$0.00 | \$1,304,527.16 | (\$29,635.84) |
| TDD Sales Tax | | | | |
| <u>TDD SLS TAX REVENUES</u> | | | | |
| Total Revenues | (\$56,562.92) | \$21,323.68 | \$144,941.38 | \$201,504.30 |
| Home Depot Economic Dev Bonds | | | | |
| <u>H DEPOT-ECON DEV BND-REVENUES</u> | | | | |
| Total Revenues | \$222,925.00 | \$14,216.00 | \$199,487.16 | (\$23,437.84) |
| 48th/Roth Ave. - CID | | | | |
| <u>48TH/ROTH AVE CID-REVENUES</u> | | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Water & Sewer | | | | |
| <u>WATER & SEWER FUND REVENUES</u> | | | | |
| Total Revenues | \$9,030,146.00 | \$806,273.48 | \$5,655,342.46 | (\$3,374,803.54) |
| Solid Waste | | | | |
| <u>SOLID WASTE FUND REVENUES</u> | | | | |
| Total Revenues | \$1,268,900.00 | \$110,902.76 | \$867,351.65 | (\$401,548.35) |
| Fire Insurance Trust | | | | |
| <u>FIRE INS TRUST REVENUES</u> | | | | |
| Total Revenues | \$0.00 | \$0.00 | \$18,600.00 | \$18,600.00 |
| Grand Totals | <u>\$31,581,916.08</u> | <u>\$2,049,951.28</u> | <u>\$24,845,040.76</u> | <u>(\$6,736,875.32)</u> |

City of Hays Expenditures

Month of August 2014

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | <u>Balance</u> |
|---|-------------------------|--------------------------------|----------------------------|----------------|
| General | | | | |
| <u>BALLFIELD MAINTENANCE</u> | | | | |
| Total Expenditures | \$57,100.00 | \$1,017.75 | \$32,493.46 | \$24,606.54 |
| <u>BICKLE-SCHMIDT SPORTS COMPLEX</u> | | | | |
| Total Expenditures | \$240,835.00 | \$20,885.80 | \$136,728.43 | \$104,106.57 |
| <u>BUILDINGS & GROUNDS</u> | | | | |
| Total Expenditures | \$513,660.00 | \$69,196.09 | \$308,498.67 | \$205,161.33 |
| <u>CEMETERIES</u> | | | | |
| Total Expenditures | \$20,200.00 | \$5,565.67 | \$10,264.24 | \$9,935.76 |
| <u>CITY ATTORNEY</u> | | | | |
| Total Expenditures | \$101,000.00 | \$6,500.00 | \$59,310.00 | \$41,690.00 |
| <u>CITY COMMISSION</u> | | | | |
| Total Expenditures | \$1,947,677.00 | \$19,904.41 | \$83,151.52 | \$1,864,525.48 |
| <u>CITY MANAGER</u> | | | | |
| Total Expenditures | \$471,987.00 | \$29,802.58 | \$254,372.75 | \$217,614.25 |
| <u>DISPATCH</u> | | | | |
| Total Expenditures | \$558,815.00 | \$34,955.05 | \$321,711.84 | \$237,103.16 |
| <u>ECONOMIC DEVELOPMENT</u> | | | | |
| Total Expenditures | \$256,205.00 | \$175.00 | \$245,781.82 | \$10,423.18 |
| <u>FINANCE/CITY CLERK</u> | | | | |
| Total Expenditures | \$367,807.00 | \$50,763.11 | \$247,324.40 | \$120,482.60 |
| <u>FIRE DEPARTMENT</u> | | | | |
| Total Expenditures | \$1,408,993.00 | \$104,945.80 | \$913,126.26 | \$495,866.74 |
| <u>FLEET MAINTENANCE</u> | | | | |
| Total Expenditures | \$830,101.00 | \$53,693.94 | \$457,886.78 | \$372,214.22 |
| <u>GOLF COURSE</u> | | | | |
| Total Expenditures | \$350,897.00 | \$22,023.52 | \$240,737.32 | \$110,159.68 |
| <u>HUMAN RESOURCES</u> | | | | |
| Total Expenditures | \$192,702.00 | \$12,795.69 | \$109,060.38 | \$83,641.62 |
| <u>INFORMATION TECHNOLOGY</u> | | | | |
| Total Expenditures | \$535,119.00 | \$40,748.14 | \$332,676.93 | \$202,442.07 |
| <u>INTERGOVERNMENTAL ACCOUNT</u> | | | | |
| Total Expenditures | \$364,500.00 | \$11,571.31 | \$280,078.04 | \$84,421.96 |
| <u>MUNICIPAL COURT</u> | | | | |
| Total Expenditures | \$156,891.00 | \$10,219.13 | \$93,082.66 | \$63,808.34 |
| <u>P.W.-GENERAL ADMINISTRATION</u> | | | | |
| Total Expenditures | \$281,865.00 | \$19,203.74 | \$167,053.09 | \$114,811.91 |
| <u>PARKS & PLAYGROUNDS</u> | | | | |
| Total Expenditures | \$860,770.00 | \$63,437.62 | \$557,171.63 | \$303,598.37 |
| <u>PLANNING INSPECTION ENFORCEMENT</u> | | | | |
| Total Expenditures | \$340,303.00 | \$23,060.43 | \$214,300.19 | \$126,002.81 |
| <u>POLICE DEPARTMENT</u> | | | | |
| Total Expenditures | \$2,136,475.00 | \$147,598.23 | \$1,324,627.28 | \$811,847.72 |
| <u>PUBLIC WORKS-SERVICE DIVISION</u> | | | | |
| Total Expenditures | \$907,001.00 | \$72,201.13 | \$480,522.64 | \$426,478.36 |
| <u>QUALITY OF LIFE</u> | | | | |
| Total Expenditures | \$35,303.00 | \$0.00 | \$35,303.00 | \$0.00 |
| <u>SOCIAL SERVICES</u> | | | | |
| Total Expenditures | \$164,000.00 | \$0.00 | \$164,000.00 | \$0.00 |
| <u>SWIMMING POOL</u> | | | | |
| Total Expenditures | \$114,700.00 | \$4,348.57 | \$53,356.15 | \$61,343.85 |
| Library | | | | |
| <u>LIBRARY FUND EXPENDITURES</u> | | | | |
| Total Expenditures | \$1,262,056.00 | \$0.00 | \$1,224,750.69 | \$37,305.31 |
| Airport | | | | |
| <u>AIRPORT FUND EXPENDITURES</u> | | | | |
| Total Expenditures | \$351,504.00 | \$23,054.49 | \$228,169.85 | \$123,334.15 |

| | <u>Budgeted</u> <u>2014</u> | <u>Expenses</u> <u>Current Mo.</u> | <u>Expenses</u> <u>To Date</u> | <u>Balance</u> |
|--|--------------------------------|---------------------------------------|-----------------------------------|------------------|
| Employee Benefit | | | | |
| <u>EMPLOYEE BENEFIT EXPENDITURES</u> | | | | |
| Total Expenditures | \$4,156,668.00 | \$253,974.47 | \$2,552,946.78 | \$1,603,721.22 |
| Special Highway | | | | |
| <u>SPECIAL HIGHWAY EXPENDITURES</u> | | | | |
| Total Expenditures | \$598,352.00 | \$271,235.80 | \$483,521.65 | \$114,830.35 |
| Special Park & Rec | | | | |
| <u>SPECIAL PRK & REC EXPENDITURES</u> | | | | |
| Total Expenditures | \$235,786.00 | \$650.00 | \$6,642.46 | \$229,143.54 |
| Special Alcohol Fund | | | | |
| <u>SPECIAL ALCOHOL FUND EXPENDITURE</u> | | | | |
| Total Expenditures | \$315,781.00 | \$0.00 | \$140,410.00 | \$175,371.00 |
| Convention & Visitors Bureau | | | | |
| <u>CVB EXPENDITURES</u> | | | | |
| Total Expenditures | \$1,424,386.00 | \$36,220.76 | \$490,879.96 | \$933,506.04 |
| Library Employee Benefit | | | | |
| <u>LIBRARY EMP. BENEFIT EXPENDITURE</u> | | | | |
| Total Expenditures | \$189,901.00 | \$0.00 | \$183,274.21 | \$6,626.79 |
| Risk Management | | | | |
| <u>RISK MGT. FUND EXPENDITURES</u> | | | | |
| Total Expenditures | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Golf Course Improvement | | | | |
| <u>GOLF COURSE IMPR. EXPENDITURES</u> | | | | |
| Total Expenditures | \$0.00 | \$0.00 | \$534.20 | (\$534.20) |
| Park Development | | | | |
| <u>PARK DEVELOPMENT EXPENDITURES</u> | | | | |
| Total Expenditures | \$5,027.00 | \$0.00 | \$0.00 | \$5,027.00 |
| Law Enforcement Grant | | | | |
| <u>DOJ-EXPENDITURES</u> | | | | |
| Total Expenditures | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Sports Complex | | | | |
| <u>SPORTS COMPLEX-EXPENDITURES</u> | | | | |
| Total Expenditures | \$0.00 | \$0.00 | \$18,002.00 | (\$18,002.00) |
| <u>STORMWATER MANAGEMENT EXPENDITURE</u> | | | | |
| Total Expenditures | \$782,170.00 | \$5,235.79 | \$104,666.88 | \$677,503.12 |
| <u>PARKS IMPROVEMENT FUND-EXPENDITURE</u> | | | | |
| Total Expenditures | \$0.00 | \$2,903.81 | \$11,731.32 | (\$11,731.32) |
| <u>ELLIS CO. SALES TAX-EXPENDITURE</u> | | | | |
| Total Expenditures | \$0.00 | \$153,632.81 | \$1,206,403.13 | (\$1,206,403.13) |
| Bond & Interest | | | | |
| <u>BOND & INTEREST EXPENDITURES</u> | | | | |
| Total Expenditures | \$1,524,263.00 | \$1,166,036.26 | \$1,398,577.24 | \$125,685.76 |
| TDD Sales Tax | | | | |
| <u>TDD SLS TAX EXPENDITURES</u> | | | | |
| Total Expenditures | \$0.00 | \$20,952.25 | \$164,010.14 | (\$164,010.14) |
| Home Depot Economic Dev Bonds | | | | |
| <u>H DEPOT ECON DEV BND-EXPENDITURE</u> | | | | |
| Total Expenditures | \$211,706.00 | \$163,352.51 | \$211,705.02 | \$0.98 |
| 48th/Roth Ave. - CID | | | | |
| <u>48TH/ ROTH AVE CID-EXPENDITURE</u> | | | | |
| Total Expenditures | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

| | <u>Budgeted</u> <u>2014</u> | <u>Expenses</u> <u>Current Mo.</u> | <u>Expenses</u> <u>To Date</u> | <u>Balance</u> |
|--|--------------------------------|---------------------------------------|-----------------------------------|------------------------|
| Water & Sewer | | | | |
| <u>DEBT SERVICE</u> | | | | |
| Total Expenditures | \$825,000.00 | \$35,099.58 | \$347,606.73 | \$477,393.27 |
| <u>DEBT SERVICE - SALES TAX</u> | | | | |
| Total Expenditures | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| <u>UTILITIES DEPT./WATER CONSERV.</u> | | | | |
| Total Expenditures | \$435,109.00 | \$9,733.76 | \$89,239.76 | \$345,869.24 |
| <u>W/S NON-OPERATING EXPENDITURES</u> | | | | |
| Total Expenditures | \$5,376,937.00 | \$47,148.37 | \$2,356,266.37 | \$3,020,670.63 |
| <u>WASTEWATER TREATMENT & COLL.</u> | | | | |
| Total Expenditures | \$1,166,770.00 | \$80,919.56 | \$615,852.11 | \$550,917.89 |
| <u>WATER PRODUCTION & DIST.</u> | | | | |
| Total Expenditures | \$1,719,197.00 | \$152,453.64 | \$924,819.91 | \$794,377.09 |
| Solid Waste | | | | |
| <u>SOLID WASTE FUND EXPENDITURE</u> | | | | |
| Total Expenditures | \$1,338,328.00 | \$64,281.51 | \$886,858.70 | \$451,469.30 |
| Fire Insurance Trust | | | | |
| <u>FIRE INS TRUST EXPENDITURES</u> | | | | |
| Total Expenditures | \$0.00 | \$18,600.00 | \$18,600.00 | (\$18,600.00) |
| Grand Totals | <u>\$35,133,847.00</u> | <u>\$3,330,098.08</u> | <u>\$20,788,088.59</u> | <u>\$14,345,758.41</u> |

GENERAL FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------------------|--------------|
| Cash | 5,688,738.77 |
| Petty Cash | 1,000.00 |
| Cash Drawer | 1,500.00 |
| Reserve-Budget Stabilization | 3,221,180.75 |
| Accts. Receivable-Police Court | 67,646.69 |
| Accts. Receivable-Misc. Sources | 0.00 |

TOTAL ASSETS

8,980,066.21

LIABILITIES

| | |
|---------------------------|------------|
| Accounts Payable | 0.00 |
| Control Pay Payable | 13,077.50 |
| Accrued Payroll | 200,242.40 |
| Accrued Vacation/PTO | 473,911.98 |
| Accrued Sick Leave Payout | 29,367.80 |
| Accrued Comp Time | 0.00 |
| W/H -Payable | |
| State W/H Payable | |
| FICA/Med Payable | |
| KPERS-Payable | |
| Prior Year Encumbrance | 0.00 |
| Lease Purchase Agreements | 0.00 |

TOTAL LIABILITIES

716,599.68

FUND BALANCE

| | |
|-------------------------------------|---------------|
| Revenues | 8,853,963.34 |
| Expenditures | -7,237,792.54 |
| Fund Balance Reserved for Enc | 35,683.56 |
| Fund Balance Unreserved | 3,390,431.42 |
| Bdgt Stabilization Reserved Fund Bl | 3,221,180.75 |

TOTAL FUND BALANCE

8,263,466.53

**TOTAL LIABILITIES
& FUND BALANCE**

8,980,066.21

LIBRARY FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

0.00

TOTAL ASSETS

0.00

FUND BALANCE

Revenues

1,152,869.65

Expenditures

-1,224,750.69

Fund Balance Unreserved

71,881.04

TOTAL FUND BALANCE

0.00

AIRPORT FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------------------|-------------------|
| Cash | 103,331.44 |
| Accts. Receivable | 0.00 |
| Accts. Receivable-Misc. Sources | 0.00 |
| TOTAL ASSETS | 103,331.44 |

LIABILITIES

| | |
|---------------------------|------------------|
| Control Pay Payable | 1,742.00 |
| Accounts Payable | 0.00 |
| Accrued Payroll | 2,840.38 |
| Accrued Vacation/PTO | 6,612.71 |
| Accrued Sick Leave Payout | |
| Prior Year Encumbrance | 0.00 |
| TOTAL LIABILITIES | 11,195.09 |

FUND BALANCE

| | |
|-------------------------------|------------------|
| Revenues | 276,971.61 |
| Expenditures | -224,111.65 |
| Fund Balance Reserved for Enc | 0.00 |
| Fund Balance Unreserved | 39,276.39 |
| TOTAL FUND BALANCE | 92,136.35 |

| | |
|---|-------------------|
| TOTAL LIABILITIES & FUND BALANCE | 103,331.44 |
|---|-------------------|

PUBLIC SAFETY EQUIPMENT FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

416,751.84

TOTAL ASSETS

416,751.84

LIABILITIES:

Accounts Payable

0.00

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

411,365.26

Expenditures

-60,186.42

Fund Balance Reserved for Enc

0.00

Fund Balance Unreserved

65,573.00

TOTAL FUND BALANCE

416,751.84

EMPLOYEE BENEFIT FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------------------|----------------------------|
| Cash | 1,792,931.41 |
| Accts. Receivable | 0.00 |
| Accts. Receivable-Misc. Sources | 0.00 |
| TOTAL ASSETS | <u>1,792,931.41</u> |

LIABILITIES

| | |
|--------------------------|--------------------|
| Accounts Payable | 0.00 |
| TOTAL LIABILITIES | <u>0.00</u> |

FUND BALANCE

| | |
|-------------------------------|----------------------------|
| Revenues | 3,272,255.12 |
| Expenditures | -2,489,519.60 |
| Fund Balance Reserved for Enc | 0.00 |
| Fund Balance Unreserved | 1,010,195.89 |
| TOTAL FUND BALANCE | <u>1,792,931.41</u> |

| | |
|---|-----------------------------------|
| TOTAL LIABILITIES & FUND BALANCE | <u><u>1,792,931.41</u></u> |
|---|-----------------------------------|

SPECIAL HIGHWAY FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------|--------------------------|
| Cash | 112,337.92 |
| Grants Receivable | 0.00 |
| TOTAL ASSETS | <u>112,337.92</u> |

LIABILITIES

| | |
|--------------------------|------------------------|
| Accounts Payable | 0.00 |
| Control Pay Payable | 1,421.88 |
| Due To Other Funds | 0.00 |
| Prior Year Encumbrance | 0.00 |
| TOTAL LIABILITIES | <u>1,421.88</u> |

FUND BALANCE

| | |
|-------------------------------|--------------------------|
| Revenues | 436,729.57 |
| Expenditures | -483,521.65 |
| Fund Balance Reserved for Enc | 490.02 |
| Fund Balance Unreserved | 157,218.10 |
| TOTAL FUND BALANCE | <u>110,916.04</u> |

| | |
|---|---------------------------------|
| TOTAL LIABILITIES & FUND BALANCE | <u><u>112,337.92</u></u> |
|---|---------------------------------|

SPECIAL PARK & RECREATION FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

165,584.78

TOTAL ASSETS

165,584.78

LIABILITIES

Accounts Payable

0.00

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

61,870.89

Expenditures

-6,642.46

Fund Balance Reserved for Enc

836.00

Fund Balance Unreserved

109,520.35

TOTAL FUND BALANCE

165,584.78

TOTAL LIABILITIES

& FUND BALANCE

165,584.78

SPECIAL ALCOHOL FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

111,529.03

TOTAL ASSETS

111,529.03

LIABILITIES

Accrued Payroll

0.00

Accrued Vacation

0.00

Accounts Payable

0.00

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

62,706.91

Expenditures

-140,410.00

Fund Balance Unreserved

189,232.12

TOTAL FUND BALANCE

111,529.03

**TOTAL LIABILITIES
& FUND BALANCE**

111,529.03

CONVENTION & VISITOR'S BUREAU FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------------------|--------------------------|
| Cash | 780,067.76 |
| Accts. Receivable-Misc. Sources | 0.00 |
| TOTAL ASSETS | <u>780,067.76</u> |

LIABILITIES

| | |
|--------------------------|-------------------------|
| Accounts Payable | 0.00 |
| Accrued Payroll | 5,564.89 |
| Accrued Vacation/PTO | 12,555.30 |
| Accrued Comp Time | 0.00 |
| Prior Year Encumbrance | 0.00 |
| TOTAL LIABILITIES | <u>18,120.19</u> |

FUND BALANCE

| | |
|-------------------------------|--------------------------|
| Revenues | 554,537.41 |
| Expenditures | -483,630.42 |
| Fund Balance Reserved for Enc | 0.00 |
| Fund Balance Unreserved | 691,040.58 |
| TOTAL FUND BALANCE | <u>761,947.57</u> |

| | |
|---|---------------------------------|
| TOTAL LIABILITIES & FUND BALANCE | <u><u>780,067.76</u></u> |
|---|---------------------------------|

NEW EQUIPMENT RESERVE FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

3,372,879.19

TOTAL ASSETS

3,372,879.19

LIABILITIES

Accounts Payable

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

372,509.31

Expenditures

-51,117.70

Fund Balance Reserved for Enc

0.00

Fund Balance Unreserved

3,051,487.58

TOTAL FUND BALANCE

3,372,879.19

**TOTAL LIABILITIES
& FUND BALANCE**

3,372,879.19

GRANTS- MULTI FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | | |
|-----------------|---------------------|-------------|
| Cash | | 0.00 |
| Loan Receivable | | 0.00 |
| | TOTAL ASSETS | 0.00 |

LIABILITIES

| | | |
|------------------|--------------------------|-------------|
| Accounts Payable | | 0.00 |
| | TOTAL LIABILITIES | 0.00 |

FUND BALANCE

| | | |
|-------------------------|---|-------------|
| Revenues | | 0.00 |
| Expenditures | | 0.00 |
| Fund Balance Unreserved | | |
| | TOTAL FUND BALANCE | 0.00 |
| | TOTAL LIABILITIES & FUND BALANCE | 0.00 |

LIBRARY EMPLOYEE BENEFIT FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

0.00

TOTAL ASSETS

0.00

FUND BALANCE

Revenues

174,810.41

Expenditures

-183,274.21

Fund Balance Unreserved

8,463.80

TOTAL FUND BALANCE

0.00

GOLF COURSE IMPROVEMENT FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

63,588.39

TOTAL ASSETS

63,588.39

LIABILITIES

Accounts Payable

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

19,757.20

Expenditures

-534.20

Fund Balance Reserved for Enc

0.00

Fund Balance Unreserved

44,365.39

TOTAL FUND BALANCE

63,588.39

**TOTAL LIABILITIES
& FUND BALANCE**

63,588.39

PARK DEVELOPMENT FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

5,026.93

TOTAL ASSETS

5,026.93

FUND BALANCE

Revenues

Expenditures

Fund Balance Reserved for Enc

Fund Balance Unreserved

0.00

5,026.93

TOTAL FUND BALANCE

5,026.93

DEPT. OF JUSTICE

8/31/2014

BALANCE SHEET

ASSETS:

Cash

3,100.00

TOTAL ASSETS

3,100.00

FUND BALANCE

Revenues

Expenditures

3,100.00

Fund Balance Reserved for Enc

0.00

Fund Balance Unreserved

0.00

TOTAL FUND BALANCE

3,100.00

SPORTS COMPLEX FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------------------|----------------------------|
| Cash | 1,989,032.73 |
| Accts. Receivable-Misc. Sources | 0.00 |
| Due From Other Funds | |
| TOTAL ASSETS | <u>1,989,032.73</u> |

LIABILITIES

| | |
|--------------------------|--------------------|
| Accounts Payable | 0.00 |
| TOTAL LIABILITIES | <u>0.00</u> |

FUND BALANCE

| | |
|--|----------------------------|
| Revenues | 21,000.00 |
| Expenditures | -18,002.00 |
| Fund Balance Reserved for Encumbrances | 0.00 |
| Fund Balance Unreserved | 1,986,034.73 |
| TOTAL FUND BALANCE | <u>1,989,032.73</u> |

| | |
|---|-----------------------------------|
| TOTAL LIABILITIES & FUND BALANCE | <u><u>1,989,032.73</u></u> |
|---|-----------------------------------|

STORMWATER MANAGEMENT

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|----------------------|-------------------|
| Cash | 522,765.92 |
| Due From Other Funds | 58,458.95 |
| TOTAL ASSETS | 581,224.87 |

LIABILITIES

| | |
|--------------------------|---------------|
| Accounts Payable | 0.00 |
| Accrued Payroll | 840.61 |
| TOTAL LIABILITIES | 840.61 |

FUND BALANCE

| | |
|--|-------------------|
| Revenues | 536,568.66 |
| Expenditures | -101,942.23 |
| Fund Balance Reserved for Encumbrances | 21,560.59 |
| Fund Balance Unreserved | 124,197.24 |
| TOTAL FUND BALANCE | 580,384.26 |

| | |
|---|-------------------|
| TOTAL LIABILITIES & FUND BALANCE | 581,224.87 |
|---|-------------------|

PARKS IMPROVEMENT FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | | |
|-------------------|---------------------|-----------------|
| Cash | | 7,953.66 |
| Accts. Receivable | | 0.00 |
| | TOTAL ASSETS | 7,953.66 |

LIABILITIES

| | | |
|-----------------------|--------------------------|-------------|
| Accounts Payable | | 0.00 |
| Due To Other Accounts | | 0.00 |
| | TOTAL LIABILITIES | 0.00 |

FUND BALANCE

| | | |
|-------------------------------|---------------------------|-----------------|
| Revenues | | 16,781.17 |
| Expenditures | | -8,827.51 |
| Fund Balance Reserved for Enc | | 0.00 |
| Fund Balance Unreserved | | 0.00 |
| | TOTAL FUND BALANCE | 7,953.66 |

| | | |
|--|---|-----------------|
| | TOTAL LIABILITIES & FUND BALANCE | 7,953.66 |
|--|---|-----------------|

ELLIS COUNTY SALES TAX

8/31/2014

BALANCE SHEET

ASSETS:

| | | |
|----------------------|---------------------|-------------|
| Cash | | 0.00 |
| Due From Other Funds | | |
| | TOTAL ASSETS | 0.00 |

LIABILITIES

| | | |
|------------------|--------------------------|-------------|
| Accounts Payable | | 0.00 |
| | TOTAL LIABILITIES | 0.00 |

FUND BALANCE

| | | |
|-------------------------|---------------------------|---------------|
| Revenues | | 1,206,403.13 |
| Expenditures | | -1,206,403.13 |
| Fund Balance Reserved | | 0.00 |
| Fund Balance Unreserved | | 0.00 |
| | TOTAL FUND BALANCE | 0.00 |

| | | |
|--|---|-------------|
| | TOTAL LIABILITIES & FUND BALANCE | 0.00 |
|--|---|-------------|

CAPITAL PROJECTS FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------------------|--------------|
| Cash | 2,844,938.31 |
| Accts. Receivable-Misc. Sources | 0.00 |
| Due From Other Funds | 0.00 |

| | |
|---------------------|----------------------------|
| TOTAL ASSETS | <u>2,844,938.31</u> |
|---------------------|----------------------------|

LIABILITIES

| | |
|------------------|------|
| Accounts Payable | 0.00 |
|------------------|------|

| | |
|--------------------------|--------------------|
| TOTAL LIABILITIES | <u>0.00</u> |
|--------------------------|--------------------|

FUND BALANCE

| | |
|-------------------------------|--------------|
| Revenues | 0.00 |
| Expenditures | -345,130.98 |
| Fund Balance Reserved for Enc | 207,132.50 |
| Fund Balance Unreserved | 2,982,936.79 |

| | |
|---------------------------|----------------------------|
| TOTAL FUND BALANCE | <u>2,844,938.31</u> |
|---------------------------|----------------------------|

| | |
|---|-----------------------------------|
| TOTAL LIABILITIES & FUND BALANCE | <u><u>2,844,938.31</u></u> |
|---|-----------------------------------|

CAPITAL PROJECTS 2001 FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | | |
|----------------------|---------------------|-------------|
| Cash | | 0.00 |
| Due From Other Funds | | |
| | TOTAL ASSETS | 0.00 |

LIABILITIES

| | | |
|--------------------|--------------------------|-------------|
| Due To Other Funds | | 0.00 |
| Accounts Payable | | 0.00 |
| | TOTAL LIABILITIES | 0.00 |

FUND BALANCE

| | | |
|-------------------------|---------------------------|-------------|
| Revenues | | |
| Expenditures | | |
| Fund Balance Unreserved | | 0.00 |
| | TOTAL FUND BALANCE | 0.00 |

| | | |
|--|---|-------------|
| | TOTAL LIABILITIES & FUND BALANCE | 0.00 |
|--|---|-------------|

AIRPORT IMPROVEMENT FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------|--------------------------|
| Cash | -233,979.61 |
| Accts. Receivable | 0.00 |
| Grants Receivable | 980,523.00 |
| TOTAL ASSETS | <u>746,543.39</u> |

LIABILITIES

| | |
|--------------------------|--------------------|
| Accounts Payable | 0.00 |
| Due To Other Accounts | 0.00 |
| TOTAL LIABILITIES | <u>0.00</u> |

FUND BALANCE

| | |
|-------------------------------|--------------------------|
| Revenues | 1,245,332.68 |
| Expenditures | -73.18 |
| Fund Balance Reserved for Enc | 126,042.93 |
| Fund Balance Unreserved | -624,759.04 |
| TOTAL FUND BALANCE | <u>746,543.39</u> |

| | |
|---|---------------------------------|
| TOTAL LIABILITIES & FUND BALANCE | <u><u>746,543.39</u></u> |
|---|---------------------------------|

BOND & INTEREST FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|----------------------|--------------------------|
| Cash | 126,965.83 |
| Due From Other Funds | 0.00 |
| TOTAL ASSETS | <u>126,965.83</u> |

LIABILITIES

| | |
|---------------------------|--------------------|
| Lease Purchase Agreements | 0.00 |
| TOTAL LIABILITIES | <u>0.00</u> |

FUND BALANCE

| | |
|---------------------------|--------------------------|
| Revenues | 1,304,527.16 |
| Expenditures | -1,398,577.24 |
| Fund Balance Reserved | 0.00 |
| Fund Balance Unreserved | 221,015.91 |
| TOTAL FUND BALANCE | <u>126,965.83</u> |

| | |
|---|---------------------------------|
| TOTAL LIABILITIES & FUND BALANCE | <u><u>126,965.83</u></u> |
|---|---------------------------------|

TRANSPORTATION DD SALES TAX FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | | |
|----------------------|---------------------|-------------------------|
| Cash | | 20,623.68 |
| Due From Other Funds | | |
| | TOTAL ASSETS | <u>20,623.68</u> |

LIABILITIES

| | | |
|------------------|--------------------------|--------------------|
| Accounts Payable | | 0.00 |
| | TOTAL LIABILITIES | <u>0.00</u> |

FUND BALANCE

| | | |
|-------------------------|---------------------------|-------------------------|
| Revenues | | 144,941.38 |
| Expenditures | | -142,686.46 |
| Fund Balance Reserved | | 0.00 |
| Fund Balance Unreserved | | 18,368.76 |
| | TOTAL FUND BALANCE | <u>20,623.68</u> |

| | | |
|--|---|--------------------------------|
| | TOTAL LIABILITIES & FUND BALANCE | <u><u>20,623.68</u></u> |
|--|---|--------------------------------|

HOME DEPOT-ECONOMIC DEVELOPMENT BONDS

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------|--------------------------|
| Cash | 149,115.92 |
| Cash-Restricted | 24,608.90 |
| TOTAL ASSETS | <u>173,724.82</u> |

LIABILITIES

| | |
|--------------------------|--------------------|
| Accounts Payable | 0.00 |
| TOTAL LIABILITIES | <u>0.00</u> |

FUND BALANCE

| | |
|---------------------------|--------------------------|
| Revenues | 199,487.16 |
| Expenditures | -211,705.02 |
| Fund Balance Reserved | 0.00 |
| Fund Balance Unreserved | 185,942.68 |
| TOTAL FUND BALANCE | <u>173,724.82</u> |

| | |
|---|---------------------------------|
| TOTAL LIABILITIES & FUND BALANCE | <u><u>173,724.82</u></u> |
|---|---------------------------------|

48th & ROTH AVE.-CID

8/31/2014

BALANCE SHEET

ASSETS:

| | | |
|----------------------|---------------------|----------------------|
| Cash | | 552.27 |
| Due From Other Funds | | |
| | TOTAL ASSETS | <u>552.27</u> |

LIABILITIES

| | | |
|------------------|--------------------------|--------------------|
| Accounts Payable | | 0.00 |
| | TOTAL LIABILITIES | <u>0.00</u> |

FUND BALANCE

| | | |
|-------------------------|---------------------------|----------------------|
| Revenues | | 0.00 |
| Expenditures | | 0.00 |
| Fund Balance Reserved | | 0.00 |
| Fund Balance Unreserved | | 552.27 |
| | TOTAL FUND BALANCE | <u>552.27</u> |

| | | |
|--|---|-----------------------------|
| | TOTAL LIABILITIES & FUND BALANCE | <u><u>552.27</u></u> |
|--|---|-----------------------------|

WATER & SEWER FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------------------|---------------|
| Cash | 3,224,453.06 |
| Accts. Receivable-Misc. Sources | |
| Cash-Water Sales Tax | 26,263,407.12 |
| Reserve-Capital Improvement | 1,329,580.27 |
| Reserve Bond & Int. Sales Tax | |
| Reserve Bond & Interest W/S | 102,030.92 |
| 2003 Bond Reserve W/S | 0.00 |
| 2003 Bond Reserve -Sales Tax | 0.00 |
| Consumers Accounts Receivable | 483,877.70 |
| Misc. Mdse Accts. Receivable | 0.00 |
| Issuance Cost-Sales Tax Fund | |
| Issuance Costs Water /Sewer | 42,536.90 |
| Restricted Cash-2009A Bond | 65,352.00 |
| Reserve-W/S Revenue Bond 2009A | 280,797.14 |
| Due From Other Funds | 0.00 |
| Land | 139,109.47 |
| Land-R-9 Ranch | 4,262,039.65 |
| Accum Depreciation- R-9 Ranch | -1,012,825.25 |
| Infrastructure | 16,404,219.44 |
| Accum Depreciation-Infrastruct | -9,365,694.40 |
| Buildings | 11,782,909.54 |
| Accum Depreciation-Bldgs. | -6,776,497.39 |
| Machinery & Equipment | 11,283,012.37 |
| Accum Dep-Machinery/Equipment | -8,940,864.48 |
| Work in Progress-Big Creek | 2,082,833.90 |
| Water Sales Tax Expenditures | 618,713.67 |
| R-9 Ranch Expenditures | 0.00 |

TOTAL ASSETS

52,268,991.63

LIABILITIES

| | |
|-------------------------------|--------------|
| Accounts Payable | 8,998.20 |
| Control Pay Payble | 65,246.58 |
| Due To Other Funds | |
| Accrued Payroll | 32,569.02 |
| Accrued Vacation/PTO | 83,839.62 |
| Sales Tax | 3,484.31 |
| State Water Fee | 28,563.56 |
| Meter Deposit Payable | 215,578.37 |
| Refuse Collection | 42,315.66 |
| Accrued Int. Payable-Bonds | -0.04 |
| State Rev. Loan Payment | 0.00 |
| G O Bond Payable-Serv. Bldg. | 0.00 |
| Bonds Payable-W/S Rev. Bonds | 0.00 |
| Bonds Payable-Sales Tax Fund | 0.00 |
| Accrued Int. Pybl-Revolv Loan | 1,301.92 |
| Contributed Capital | 3,215,104.63 |
| Reserve for Bad Debts | 3,390,000.00 |
| Bonds Payable-W/S 2009 A | 0.00 |
| Advance Developer Fee | 0.00 |
| Stormwater Fee | 58,985.72 |
| Over & Short | -31.68 |
| Prior Year Encumbrance | 0.00 |
| Monitoring Well Deposit | 4,500.00 |
| Overpayment-Water Sales | 0.00 |

TOTAL LIABILITIES

7,150,455.87

FUND BALANCE

| | |
|-------------------------------------|---------------|
| Revenues | 5,536,145.09 |
| Expenditures | -4,284,496.12 |
| Fund Balance Reserved for Enc | 581,498.63 |
| Fund Balance Unreserved | 41,078,294.23 |
| Capital Imprv. Reserve Fund Balance | 2,207,093.93 |

TOTAL FUND BALANCE

45,118,535.76

TOTAL LIABILITIES & FUND BALANCE

52,268,991.63

SOLID WASTE FUND

8/31/2014

BALANCE SHEET

ASSETS:

| | |
|---------------------------------|---------------------|
| Cash | 289,230.97 |
| Reserve Account | 516,554.56 |
| Accts. Receivable-Misc. Sources | 0.00 |
| Due From Other Funds | 41,644.73 |
| Buildings | 289,324.00 |
| Machinery & Equipment | 1,633,486.00 |
| Accum Dep-Machinery/Equipment | -1,110,836.05 |
| TOTAL ASSETS | 1,659,404.21 |

LIABILITIES

| | |
|---------------------------|-------------------|
| Accounts Payable | 0.00 |
| Control Pay Payble | 0.00 |
| Accrued Payroll | 9,383.63 |
| Accrued Vacation/PTO | 25,164.08 |
| Contributed Capital | 115,383.00 |
| Lease Purchase Obligation | 0.00 |
| TOTAL LIABILITIES | 149,930.71 |

FUND BALANCE

| | |
|-------------------------------|---------------------|
| Revenues | 867,346.65 |
| Expenditures | -873,993.68 |
| Fund Balance Reserved for Enc | 0.00 |
| Fund Balance Unreserved | 999,565.97 |
| Solid Waste Reserve | 516,554.56 |
| TOTAL FUND BALANCE | 1,509,473.50 |

TOTAL LIABILITIES & FUND BALANCE

1,659,404.21

FIRE INSURANCE TRUST FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

0.00

TOTAL ASSETS

0.00

FUND BALANCE

Revenues

18,600.00

Expenditures

-18,600.00

Fund Balance Unreserved

0.00

TOTAL FUND BALANCE

0.00

MUNICIPAL COURT AGENCY FUND

8/31/2014

BALANCE SHEET

ASSETS:

Cash

118,117.52

TOTAL ASSETS

118,117.52

LIABILITIES

Accounts Payable

0.00

Due To Other Accounts

41,446.00

Bonds Payable

27,791.00

Over & Short

-0.50

TOTAL LIABILITIES

69,236.50

FUND BALANCE

Revenues

84,345.55

Expenditures

-103,565.00

Fund Balance Unreserved

68,100.47

TOTAL FUND BALANCE

48,881.02

**TOTAL LIABILITIES
& FUND BALANCE**

118,117.52

City of Hays Revenues

Month of August

| General | Budgeted 2014 | Collections Current Mo. | Collections To Date | Balance | % Collected YTD |
|---|------------------------|----------------------------|------------------------|-------------------------|--------------------|
| <u>CULTURE & RECREATION REVENUES</u> | | | | | |
| GOLF COURSE REVENUE | 305,000.00 | 20,082.43 | 275,989.73 | (29,010.27) | 90.49% |
| LOCAL ALCOHOL LIQUOR TAX | 135,803.00 | 0.00 | 62,706.89 | (73,096.11) | 46.17% |
| Total Revenues | \$440,803.00 | \$20,082.43 | \$338,696.62 | (\$102,106.38) | 76.84% |
| <u>GENERAL GOVERNMENT REVENUES</u> | | | | | |
| 16/20 M TRUCK TAX | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| AD VALOREM PROPERTY TAX | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| BUILDING PERMITS | 75,000.00 | 11,730.53 | 62,615.52 | (12,384.48) | 83.49% |
| BUSINESS LICENSES | 17,000.00 | 1,015.00 | 15,847.50 | (1,152.50) | 93.22% |
| CITY-COUNTY REVENUE SHARING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CMB & LIQUOR LICENSES | 12,000.00 | 500.00 | 7,825.00 | (4,175.00) | 65.21% |
| DELINQUENT TAXES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| FEDERAL GOVERNMENT AID/GRANT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| FRANCHISE FEES | 1,415,000.00 | 103,083.11 | 940,732.65 | (474,267.35) | 66.48% |
| INTEREST ON INVESTMENTS | 35,000.00 | 5,962.42 | 43,178.37 | 8,178.37 | 123.37% |
| LOCAL AD VALOREM TAX REDUCTION | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LOCAL SALES TAX | 7,240,398.00 | 625,040.22 | 4,820,211.57 | (2,420,186.43) | 66.57% |
| MISCELLANEOUS REVENUE | 140,000.00 | 26,716.13 | 144,220.48 | 4,220.48 | 103.01% |
| MOTOR VEHICLE TAX | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER LICENSES | 500.00 | 160.00 | 480.00 | (20.00) | 96.00% |
| PET LICENSES | 18,000.00 | 719.00 | 13,951.00 | (4,049.00) | 77.51% |
| PRIOR YEAR ENCUMBRANCE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RECREATIONAL VEHICLE TAX | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RENTALS | 1,200.00 | 100.00 | 800.00 | (400.00) | 66.67% |
| STATE GOVERNMENT AID/GRANT | 0.00 | 1,129.96 | 11,569.86 | 11,569.86 | 0.00% |
| TRANSFER FROM AIRPORT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM CVB | 63,325.00 | 0.00 | 63,325.00 | 0.00 | 100.00% |
| TRANSFER FROM POOL CONSTRUCTIO | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM SOLID WASTE FUND | 245,000.00 | 0.00 | 245,000.00 | 0.00 | 100.00% |
| TRANSFER FROM SPECIAL ALCOHOL | 54,336.00 | 0.00 | 54,336.00 | 0.00 | 100.00% |
| TRANSFER FROM SPECIAL HIGHWAY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM SPORTS COMPLEX | 240,835.00 | 0.00 | 0.00 | (240,835.00) | 0.00% |
| TRANSFER FROM STORMWATER MGT | 64,260.00 | 0.00 | 64,260.00 | 0.00 | 100.00% |
| TRANSFER FROM WATER SLS TAX | 596,850.00 | 0.00 | 596,850.00 | 0.00 | 100.00% |
| TRANSFER FROM WATER/SEWER FUND | 961,024.00 | 0.00 | 961,024.00 | 0.00 | 100.00% |
| TRANSFERS-ALL ACCOUNTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$11,179,728.00 | \$776,156.37 | \$8,046,226.95 | (\$3,133,501.05) | 71.97% |
| <u>PUBLIC SAFETY REVENUES</u> | | | | | |
| ANIMAL CONTROL REVENUE | 3,000.00 | 370.00 | 2,280.00 | (720.00) | 76.00% |
| COURT APPOINTED REIMBURSEMENT | 0.00 | 218.81 | 2,006.38 | 2,006.38 | 0.00% |
| COURT COSTS | 80,000.00 | 9,058.73 | 80,389.62 | 389.62 | 100.49% |
| COURT FINES | 530,000.00 | 42,908.96 | 376,350.45 | (153,649.55) | 71.01% |
| LOCAL LAB FEES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$613,000.00 | \$52,556.50 | \$461,026.45 | (\$151,973.55) | 75.21% |
| <u>PUBLIC WORKS REVENUES</u> | | | | | |
| GRAVE OPENING | 4,000.00 | 700.00 | 5,800.00 | 1,800.00 | 145.00% |
| SALE OF CEMETERY LOTS | 6,300.00 | 1,065.00 | 6,675.00 | 375.00 | 105.95% |
| Total Revenues | \$10,300.00 | \$1,765.00 | \$12,475.00 | \$2,175.00 | 121.12% |

| | <u>Budgeted</u> <u>2014</u> | <u>Collections</u> <u>Current Mo.</u> | <u>Collections</u> <u>To Date</u> | <u>Balance</u> | <u>% Collected</u> <u>YTD</u> |
|-------------------------------------|--------------------------------|--|--------------------------------------|----------------------|----------------------------------|
| Library | | | | | |
| <u>LIBRARY FUND REVENUES</u> | | | | | |
| 16/20 M TRUCK TAX | 1,027.00 | 0.00 | 1,494.91 | 467.91 | 145.56% |
| AD VALOREM PROPERTY TAX | 1,116,946.00 | 0.00 | 1,064,802.13 | (52,143.87) | 95.33% |
| DELINQUENT TAXES | 0.00 | 0.00 | 15,548.94 | 15,548.94 | 0.00% |
| MOTOR VEHICLE TAX | 97,384.00 | 0.00 | 69,866.57 | (27,517.43) | 71.74% |
| RECREATIONAL VEHICLE TAX | 1,373.00 | 0.00 | 1,157.10 | (215.90) | 84.28% |
| Total Revenues | \$1,216,730.00 | \$0.00 | \$1,152,869.65 | (\$63,860.35) | 94.75% |

| | | | | | |
|-------------------------------------|---------------------|-------------------|---------------------|----------------------|---------------|
| Airport | | | | | |
| <u>AIRPORT FUND REVENUES</u> | | | | | |
| 16/20 M TRUCK TAX | 181.00 | 0.00 | 253.38 | 72.38 | 139.99% |
| AD VALOREM PROPERTY TAX | 199,707.00 | 0.00 | 190,514.46 | (9,192.54) | 95.40% |
| AIRPORT-FUEL SALES | 12,000.00 | 743.91 | 5,033.38 | (6,966.62) | 41.94% |
| BUSINESS LICENSES | 6,050.00 | 0.00 | 2,750.00 | (3,300.00) | 45.45% |
| DELINQUENT TAXES | 0.00 | 0.00 | 2,704.22 | 2,704.22 | 0.00% |
| FARMING (LEASES) | 18,977.00 | 0.00 | 10,265.00 | (8,712.00) | 54.09% |
| FEDERAL GOVERNMENT AID/GRANT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LANDING FEES | 4,645.00 | 0.00 | 1,060.00 | (3,585.00) | 22.82% |
| MISCELLANEOUS REVENUE | 6,859.00 | 100.00 | 2,151.22 | (4,707.78) | 31.36% |
| MOTOR VEHICLE TAX | 17,200.00 | 0.00 | 12,107.88 | (5,092.12) | 70.39% |
| PRIOR YEAR ENCUMBRANCE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RECREATIONAL VEHICLE TAX | 242.00 | 0.00 | 199.94 | (42.06) | 82.62% |
| RENTALS | 66,759.00 | 3,952.92 | 49,932.13 | (16,826.87) | 74.79% |
| Total Revenues | \$332,620.00 | \$4,796.83 | \$276,971.61 | (\$55,648.39) | 83.27% |

| | | | | | |
|---|-----------------------|-----------------|-----------------------|-----------------------|---------------|
| Employee Benefit | | | | | |
| <u>EMPLOYEE BENEFIT REVENUES</u> | | | | | |
| 16/20 M TRUCK TAX | 2,126.00 | 0.00 | 2,631.92 | 505.92 | 123.80% |
| AD VALOREM PROPERTY TAX | 2,292,195.00 | 0.00 | 2,185,216.50 | (106,978.50) | 95.33% |
| DELINQUENT TAXES | 0.00 | 0.00 | 30,683.57 | 30,683.57 | 0.00% |
| INSURANCE REFUNDS | 0.00 | 0.00 | 8,575.00 | 8,575.00 | 0.00% |
| INTEREST ON INVESTMENTS | 3,000.00 | 224.73 | 1,535.63 | (1,464.37) | 51.19% |
| MISCELLANEOUS REVENUE | 0.00 | 391.44 | 19,645.95 | 19,645.95 | 0.00% |
| MOTOR VEHICLE TAX | 201,625.00 | 0.00 | 134,512.36 | (67,112.64) | 66.71% |
| RECREATIONAL VEHICLE TAX | 2,842.00 | 0.00 | 2,202.19 | (639.81) | 77.49% |
| TRANSFER FROM AIRPORT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM CVB | 80,430.00 | 0.00 | 80,430.00 | 0.00 | 100.00% |
| TRANSFER FROM GENERAL FUND | 96,479.00 | 0.00 | 96,479.00 | 0.00 | 100.00% |
| TRANSFER FROM RISK MANAGEMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM SOLID WASTE FUND | 167,754.00 | 0.00 | 167,754.00 | 0.00 | 100.00% |
| TRANSFER FROM SPECIAL ALCOHOL | 26,074.00 | 0.00 | 26,074.00 | 0.00 | 100.00% |
| TRANSFER FROM SPECIAL HIGHWAY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM SPORTS COMPLEX | 18,002.00 | 0.00 | 18,002.00 | 0.00 | 100.00% |
| TRANSFER FROM STORMWATER MGT | 11,851.00 | 0.00 | 11,851.00 | 0.00 | 100.00% |
| TRANSFER FROM WATER/SEWER FUND | 486,662.00 | 0.00 | 486,662.00 | 0.00 | 100.00% |
| TRANSFERS-ALL ACCOUNTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$3,389,040.00 | \$616.17 | \$3,272,255.12 | (\$116,784.88) | 96.55% |

| | | | | | |
|--|---------------------|---------------|---------------------|-----------------------|---------------|
| Special Highway | | | | | |
| <u>SPECIAL HIGHWAY REVENUES</u> | | | | | |
| CONNECTING LINK MAINTENANCE | 44,760.00 | 0.00 | 33,478.04 | (11,281.96) | 74.79% |
| INTEREST ON INVESTMENTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PRIOR YEAR ENCUMBRANCE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| STATE GASOLINE TAX | 539,690.00 | 0.00 | 403,251.53 | (136,438.47) | 74.72% |
| TRANSFER FROM CAPITAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$584,450.00 | \$0.00 | \$436,729.57 | (\$147,720.43) | 74.72% |

| | Budgeted 2014 | Collections Current Mo. | Collections To Date | Balance | % Collected YTD |
|--|---------------------|----------------------------|------------------------|-----------------------|--------------------|
| Special Park & Rec | | | | | |
| <u>SPECIAL PRK & REC REVENUES</u> | | | | | |
| DOG PARK DONATIONS | 0.00 | 0.00 | (836.00) | (836.00) | 0.00% |
| LOCAL ALCOHOL LIQUOR TAX | 135,803.00 | 0.00 | 62,706.89 | (73,096.11) | 46.17% |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$135,803.00 | \$0.00 | \$61,870.89 | (\$73,932.11) | 45.56% |
| Special Alcohol Fund | | | | | |
| <u>SPECIAL ALCOHOL FUND REVENUES</u> | | | | | |
| LOCAL ALCOHOL LIQUOR TAX | 135,803.00 | 0.00 | 62,706.91 | (73,096.09) | 46.17% |
| Total Revenues | \$135,803.00 | \$0.00 | \$62,706.91 | (\$73,096.09) | 46.17% |
| Convention & Visitors Bureau | | | | | |
| <u>CONVENTION & VISITOR'S REVENUE</u> | | | | | |
| MISCELLANEOUS REVENUE | 42,000.00 | 3,287.00 | 26,791.00 | (15,209.00) | 63.79% |
| TRANSIENT GUEST TAX | 745,000.00 | 0.00 | 527,746.41 | (217,253.59) | 70.84% |
| Total Revenues | \$787,000.00 | \$3,287.00 | \$554,537.41 | (\$232,462.59) | 70.46% |
| Library Employee Benefit | | | | | |
| <u>LIBRARY EMP. BENEFIT REVENUES</u> | | | | | |
| 16/20 M TRUCK TAX | 150.00 | 0.00 | 210.66 | 60.66 | 140.44% |
| AD VALOREM PROPERTY TAX | 169,985.00 | 0.00 | 162,173.80 | (7,811.20) | 95.40% |
| DELINQUENT TAXES | 0.00 | 0.00 | 2,220.72 | 2,220.72 | 0.00% |
| MOTOR VEHICLE TAX | 14,232.00 | 0.00 | 10,039.38 | (4,192.62) | 70.54% |
| RECREATIONAL VEHICLE TAX | 201.00 | 0.00 | 165.85 | (35.15) | 82.51% |
| Total Revenues | \$184,568.00 | \$0.00 | \$174,810.41 | (\$9,757.59) | 94.71% |
| Risk Management | | | | | |
| <u>RISK MANAGEMENT REVENUES</u> | | | | | |
| INSURANCE REFUNDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM EMPLOYEE BENEFIT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFERS-ALL ACCOUNTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.00% |
| Golf Course Improvement | | | | | |
| <u>GOLF COURSE IMPR. FUND REVENUE</u> | | | | | |
| GOLF COURSE REVENUE | 0.00 | 8.40 | 18,761.40 | 18,761.40 | 0.00% |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 1,000.00 | 1,000.00 | 0.00% |
| Total Revenues | \$0.00 | \$8.40 | \$19,761.40 | \$19,761.40 | 0.00% |
| Park Development | | | | | |
| <u>PARK DEVELOPMENT FUND-REVENUE</u> | | | | | |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.00% |
| Law Enforcement Grant | | | | | |
| <u>DOJ PROGRAM-REVENUES</u> | | | | | |
| MISCELLANEOUS REVENUE | 0.00 | 3,100.00 | 3,100.00 | 3,100.00 | 0.00% |
| Total Revenues | \$0.00 | \$3,100.00 | \$3,100.00 | \$3,100.00 | 0.00% |
| Sports Complex | | | | | |
| <u>SPORTS COMPLEX-REVENUES</u> | | | | | |
| LOCAL SALES TAX | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| MISCELLANEOUS REVENUE | 0.00 | 5,000.00 | 21,000.00 | 21,000.00 | 0.00% |
| PRIOR YEAR ENCUMBRANCE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$0.00 | \$5,000.00 | \$21,000.00 | \$21,000.00 | 0.00% |
| <u>STORMWATER MANAGEMENT REVENUES</u> | | | | | |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| STORMWATER FEE | 756,000.00 | 76,233.85 | 520,068.66 | (235,931.34) | 68.79% |
| TRANSFER FROM GENERAL FUND | 16,500.00 | 0.00 | 16,500.00 | 0.00 | 100.00% |
| TRANSFER FROM WATER/SEWER FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$772,500.00 | \$76,233.85 | \$536,568.66 | (\$235,931.34) | 69.46% |

| | <u>Budgeted</u> <u>2014</u> | <u>Collections</u> <u>Current Mo.</u> | <u>Collections</u> <u>To Date</u> | <u>Balance</u> | <u>% Collected</u> <u>YTD</u> |
|--|--------------------------------|--|--------------------------------------|-----------------------|----------------------------------|
| <u>PARKS IMPROVEMENT FUND-REVENUE</u> | | | | | |
| DOG PARK DONATIONS | 0.00 | 0.00 | 14,535.17 | 14,535.17 | 0.00% |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 2,246.00 | 2,246.00 | 0.00% |
| Total Revenues | \$0.00 | \$0.00 | \$16,781.17 | \$16,781.17 | 0.00% |
| <u>ELLIS CO. SALES TAX-REVENUES</u> | | | | | |
| LOCAL SALES TAX | 0.00 | 153,632.81 | 1,206,403.13 | 1,206,403.13 | 0.00% |
| Total Revenues | \$0.00 | \$153,632.81 | \$1,206,403.13 | \$1,206,403.13 | 0.00% |
| Bond & Interest | | | | | |
| <u>BOND & INTEREST REVENUES</u> | | | | | |
| 16/20 M TRUCK TAX | 687.00 | 0.00 | 1,234.24 | 547.24 | 179.66% |
| AD VALOREM PROPERTY TAX | 814,494.00 | 0.00 | 776,497.28 | (37,996.72) | 95.33% |
| DELINQUENT TAXES | 0.00 | 0.00 | 11,035.10 | 11,035.10 | 0.00% |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| MOTOR VEHICLE TAX | 65,172.00 | 0.00 | 51,879.09 | (13,292.91) | 79.60% |
| RECEIVED FROM TIF PROCEEDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RECREATIONAL VEHICLE TAX | 919.00 | 0.00 | 872.10 | (46.90) | 94.90% |
| SPECIAL ASSESSMENT TAX | 452,891.00 | 0.00 | 463,009.35 | 10,118.35 | 102.23% |
| TRANSFER FROM CAPITAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM GENERAL FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM SPECIAL HIGHWAY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM WATER/SEWER FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFERS-ALL ACCOUNTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$1,334,163.00 | \$0.00 | \$1,304,527.16 | (\$29,635.84) | 97.78% |
| TDD Sales Tax | | | | | |
| <u>TDD SLS TAX REVENUES</u> | | | | | |
| LOCAL SALES TAX | (56,562.92) | 21,323.68 | 144,941.38 | 201,504.30 | -256.25% |
| Total Revenues | (\$56,562.92) | \$21,323.68 | \$144,941.38 | \$201,504.30 | -256.25% |
| Home Depot Economic Dev Bonds | | | | | |
| <u>H DEPOT-ECON DEV BND-REVENUES</u> | | | | | |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RECEIVED FROM TIF PROCEEDS | 222,925.00 | 14,216.00 | 199,487.16 | (23,437.84) | 89.49% |
| Total Revenues | \$222,925.00 | \$14,216.00 | \$199,487.16 | (\$23,437.84) | 89.49% |
| 48th/Roth Ave. - CID | | | | | |
| <u>48TH/ROTH AVE CID-REVENUES</u> | | | | | |
| LOCAL SALES TAX | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.00% |

| | <u>Budgeted</u> <u>2014</u> | <u>Collections</u> <u>Current Mo.</u> | <u>Collections</u> <u>To Date</u> | <u>Balance</u> | <u>% Collected</u> <u>YTD</u> |
|---|--------------------------------|--|--------------------------------------|--------------------------------|----------------------------------|
| Water & Sewer | | | | | |
| <u>WATER & SEWER FUND REVENUES</u> | | | | | |
| DEVELOPER CONTRIBUTION | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| FEDERAL & STATE GRANTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| INTEREST ON INVESTMENTS | 25,000.00 | 2,543.02 | 14,862.55 | (10,137.45) | 59.45% |
| INTEREST-SALES TAX COLLECTION | 50,000.00 | 7,183.61 | 45,836.34 | (4,163.66) | 91.67% |
| LOCAL SALES TAX | 2,954,917.00 | 252,488.00 | 1,972,415.00 | (982,502.00) | 66.75% |
| MISCELLANEOUS REVENUE | 10,000.00 | 297.00 | 6,228.59 | (3,771.41) | 62.29% |
| NOTE/BOND PROCEEDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PENALTY | 25,000.00 | 1,880.91 | 19,606.35 | (5,393.65) | 78.43% |
| PRIOR YEAR ENCUMBRANCE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| R-9 RANCH REVENUE | 325,000.00 | 58,200.00 | 183,200.00 | (141,800.00) | 56.37% |
| SEWER SERVICE CHARGES | 2,056,002.00 | 176,350.13 | 1,421,062.31 | (634,939.69) | 69.12% |
| STORMWATER FEE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TAPS-TURN ONS | 35,000.00 | 1,034.78 | 37,167.86 | 2,167.86 | 106.19% |
| TRANSFER FROM SOLID WASTE FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM SPECIAL HIGHWAY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER FROM WATER SLS TAX | 435,109.00 | 0.00 | 0.00 | (435,109.00) | 0.00% |
| TRANSFERS-ALL ACCOUNTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| WATER SALES | 2,749,118.00 | 249,090.44 | 1,741,088.70 | (1,008,029.30) | 63.33% |
| WATER SALES-CONSERVATION RATE | 365,000.00 | 57,005.59 | 212,674.76 | (152,325.24) | 58.27% |
| WATER VIOLATION | 0.00 | 200.00 | 1,200.00 | 1,200.00 | 0.00% |
| Total Revenues | <u>\$9,030,146.00</u> | <u>\$806,273.48</u> | <u>\$5,655,342.46</u> | <u>(\$3,374,803.54)</u> | <u>62.63%</u> |
| Solid Waste | | | | | |
| <u>SOLID WASTE FUND REVENUES</u> | | | | | |
| INTEREST ON INVESTMENTS | 2,000.00 | 96.29 | 634.95 | (1,365.05) | 31.75% |
| MISCELLANEOUS REVENUE | 40,000.00 | 4,863.60 | 20,223.15 | (19,776.85) | 50.56% |
| PRIOR YEAR ENCUMBRANCE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| REFUSE COLLECTION | 1,225,000.00 | 105,864.12 | 845,658.80 | (379,341.20) | 69.03% |
| YARD WASTE TAGS | 1,900.00 | 78.75 | 834.75 | (1,065.25) | 43.93% |
| Total Revenues | <u>\$1,268,900.00</u> | <u>\$110,902.76</u> | <u>\$867,351.65</u> | <u>(\$401,548.35)</u> | <u>68.35%</u> |
| Fire Insurance Trust | | | | | |
| <u>FIRE INS TRUST REVENUES</u> | | | | | |
| MISCELLANEOUS REVENUE | 0.00 | 0.00 | 18,600.00 | 18,600.00 | 0.00% |
| Total Revenues | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$18,600.00</u> | <u>\$18,600.00</u> | <u>0.00%</u> |
| Grand Totals | <u>\$31,581,916.08</u> | <u>\$2,049,951.28</u> | <u>\$24,845,040.76</u> | <u>(\$6,736,875.32)</u> | <u>78.67%</u> |

City of Hays Expenditures

Month of August

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | <u>Balance</u> | <u>% Spent</u> YTD |
|---|-------------------------|--------------------------------|----------------------------|---------------------|-----------------------|
| General | | | | | |
| <u>BALLFIELD MAINTENANCE</u> | | | | | |
| BUILDINGS & STRUCTURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CHEMICALS | 8,000.00 | 432.74 | 5,853.00 | 2,147.00 | 73.16% |
| COMMUNICATION | 600.00 | 27.08 | 180.23 | 419.77 | 30.04% |
| ELECTRICITY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 1,500.00 | 118.84 | 954.13 | 545.87 | 63.61% |
| GENERAL SUPPLIES & MATERIALS | 11,500.00 | 78.80 | 4,612.55 | 6,887.45 | 40.11% |
| NATURAL GAS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 19,200.00 | 0.00 | 16,054.47 | 3,145.53 | 83.62% |
| OTHER CONTRACTUAL SERVICES | 6,000.00 | 206.61 | 1,875.86 | 4,124.14 | 31.26% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RENTALS | 500.00 | 0.00 | 0.00 | 500.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 9,600.00 | 153.68 | 2,963.22 | 6,636.78 | 30.87% |
| TRAVEL & TRAINING | 200.00 | 0.00 | 0.00 | 200.00 | 0.00% |
| UNIFORMS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$57,100.00</u> | <u>\$1,017.75</u> | <u>\$32,493.46</u> | <u>\$24,606.54</u> | <u>56.91%</u> |
| <u>BICKLE-SCHMIDT SPORTS COMPLEX</u> | | | | | |
| BUILDINGS & STRUCTURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CHEMICALS | 20,000.00 | 5,426.77 | 11,127.02 | 8,872.98 | 55.64% |
| COMMUNICATION | 700.00 | 18.16 | 138.02 | 561.98 | 19.72% |
| CONTINGENCY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| ELECTRICITY | 55,000.00 | 4,587.98 | 35,888.10 | 19,111.90 | 65.25% |
| EQUIPMENT EXPENSE | 4,000.00 | 140.65 | 947.80 | 3,052.20 | 23.70% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 56.10 | (56.10) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 56.10 | (56.10) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| FUEL EXPENSE | 8,000.00 | (24.41) | (24.41) | 8,024.41 | -0.31% |
| FUEL EXPENSE | 0.00 | 97.32 | 226.34 | (226.34) | 0.00% |
| FUEL EXPENSE | 0.00 | 0.00 | 164.60 | (164.60) | 0.00% |
| FUEL EXPENSE | 0.00 | 37.61 | 144.91 | (144.91) | 0.00% |
| FUEL EXPENSE | 0.00 | 0.00 | 229.07 | (229.07) | 0.00% |
| FUEL EXPENSE | 0.00 | 222.68 | 515.00 | (515.00) | 0.00% |
| FUEL EXPENSE | 0.00 | 244.79 | 478.25 | (478.25) | 0.00% |
| FUEL EXPENSE | 0.00 | 56.10 | 510.29 | (510.29) | 0.00% |
| FUEL EXPENSE | 0.00 | 91.38 | 259.90 | (259.90) | 0.00% |
| FUEL EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| FUEL EXPENSE | 0.00 | 24.41 | 24.41 | (24.41) | 0.00% |
| GENERAL SUPPLIES & MATERIALS | 26,600.00 | 531.99 | 5,683.60 | 20,916.40 | 21.37% |
| NATURAL GAS | 3,000.00 | 33.03 | 448.30 | 2,551.70 | 14.94% |
| NEW EQUIPMENT | 17,300.00 | 1,250.00 | 9,555.53 | 7,744.47 | 55.23% |
| OFFICE SUPPLIES | 300.00 | 0.00 | 11.68 | 288.32 | 3.89% |
| OTHER CONTRACTUAL SERVICES | 13,700.00 | 1,426.31 | 8,918.96 | 4,781.04 | 65.10% |
| OVERTIME | 2,000.00 | 128.01 | 497.51 | 1,502.49 | 24.88% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RENTALS | 1,000.00 | 117.00 | 347.25 | 652.75 | 34.73% |
| REPAIRS TO BLDGS & STRUCTURES | 13,000.00 | 1,309.93 | 9,187.03 | 3,812.97 | 70.67% |
| SALARIES | 26,610.00 | 1,822.16 | 18,028.64 | 8,581.36 | 67.75% |
| SEASONAL/PART TIME | 28,900.00 | 3,272.50 | 13,459.75 | 15,440.25 | 46.57% |
| TRANSFER TO NEW EQUIP. RESERVE | 19,525.00 | 0.00 | 19,525.00 | 0.00 | 100.00% |
| TRAVEL & TRAINING | 400.00 | 0.00 | 0.00 | 400.00 | 0.00% |
| UNIFORMS | 800.00 | 71.43 | 323.68 | 476.32 | 40.46% |
| Total Expenditures | <u>\$240,835.00</u> | <u>\$20,885.80</u> | <u>\$136,728.43</u> | <u>\$104,106.57</u> | <u>56.77%</u> |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | <u>Balance</u> | <u>% Spent</u> YTD |
|---------------------------------------|-------------------------|--------------------------------|----------------------------|-----------------------|-----------------------|
| <u>BUILDINGS & GROUNDS</u> | | | | | |
| COMMUNICATION | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| ELECTRICITY | 420,000.00 | 65,978.72 | 265,230.23 | 154,769.77 | 63.15% |
| GENERAL SUPPLIES & MATERIALS | 8,000.00 | 88.37 | 518.91 | 7,481.09 | 6.49% |
| NATURAL GAS | 40,000.00 | 1,245.68 | 22,698.90 | 17,301.10 | 56.75% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 26,060.00 | 1,883.32 | 16,922.60 | 9,137.40 | 64.94% |
| PROJECTS | 5,600.00 | 0.00 | 0.00 | 5,600.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 14,000.00 | 0.00 | 3,128.03 | 10,871.97 | 22.34% |
| Total Expenditures | <u>\$513,660.00</u> | <u>\$69,196.09</u> | <u>\$308,498.67</u> | <u>\$205,161.33</u> | <u>60.06%</u> |
| <u>CEMETERIES</u> | | | | | |
| BUILDINGS & STRUCTURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CHEMICALS | 3,000.00 | 0.00 | 2,130.98 | 869.02 | 71.03% |
| COMMUNICATION | 200.00 | 12.28 | 89.73 | 110.27 | 44.87% |
| ELECTRICITY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 1,700.00 | 14.97 | 378.54 | 1,321.46 | 22.27% |
| GENERAL SUPPLIES & MATERIALS | 7,500.00 | 30.88 | 1,363.17 | 6,136.83 | 18.18% |
| NEW EQUIPMENT | 600.00 | 0.00 | 529.00 | 71.00 | 88.17% |
| OTHER CONTRACTUAL SERVICES | 1,200.00 | 500.00 | 760.00 | 440.00 | 63.33% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RENTALS | 200.00 | 0.00 | 0.00 | 200.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 5,500.00 | 5,007.54 | 5,012.82 | 487.18 | 91.14% |
| TRAVEL & TRAINING | 300.00 | 0.00 | 0.00 | 300.00 | 0.00% |
| UNIFORMS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$20,200.00</u> | <u>\$5,565.67</u> | <u>\$10,264.24</u> | <u>\$9,935.76</u> | <u>50.81%</u> |
| <u>CITY ATTORNEY</u> | | | | | |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 1,000.00 | 0.00 | 35.00 | 965.00 | 3.50% |
| PROFESSIONAL SERVICES | 100,000.00 | 6,500.00 | 59,275.00 | 40,725.00 | 59.28% |
| Total Expenditures | <u>\$101,000.00</u> | <u>\$6,500.00</u> | <u>\$59,310.00</u> | <u>\$41,690.00</u> | <u>58.72%</u> |
| <u>CITY COMMISSION</u> | | | | | |
| COMMUNICATION | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| FINANCIAL POLICY PROJ-CAPITAL | 1,771,177.00 | 0.00 | 0.00 | 1,771,177.00 | 0.00% |
| FINANCIAL POLICY PROJ-CAPITAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| GENERAL SUPPLIES & MATERIALS | 1,500.00 | 0.00 | 143.72 | 1,356.28 | 9.58% |
| LEGAL PUBLICATIONS & PRINTING | 500.00 | 0.00 | 0.00 | 500.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 500.00 | 0.00 | 56.38 | 443.62 | 11.28% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 150,000.00 | 16,300.59 | 64,033.24 | 85,966.76 | 42.69% |
| SALARIES | 9,000.00 | 750.00 | 6,000.00 | 3,000.00 | 66.67% |
| TRAVEL & TRAINING | 15,000.00 | 2,853.82 | 12,918.18 | 2,081.82 | 86.12% |
| Total Expenditures | <u>\$1,947,677.00</u> | <u>\$19,904.41</u> | <u>\$83,151.52</u> | <u>\$1,864,525.48</u> | <u>4.27%</u> |
| <u>CITY MANAGER</u> | | | | | |
| COMMUNICATION | 3,500.00 | 214.86 | 1,569.78 | 1,930.22 | 44.85% |
| CONTINGENCY | 100,000.00 | 6,523.97 | 12,602.16 | 87,397.84 | 12.60% |
| EXPENSE ALLOWANCE-CAR | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| GENERAL SUPPLIES & MATERIALS | 2,000.00 | 0.00 | 825.11 | 1,174.89 | 41.26% |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| ORGANIZATION DEVELOPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 35,000.00 | 233.71 | 20,250.79 | 14,749.21 | 57.86% |
| OVERTIME | 3,500.00 | 122.42 | 1,853.77 | 1,646.23 | 52.96% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALARIES | 302,987.00 | 21,800.61 | 205,813.17 | 97,173.83 | 67.93% |
| TRAVEL & TRAINING | 25,000.00 | 907.01 | 11,457.97 | 13,542.03 | 45.83% |
| Total Expenditures | <u>\$471,987.00</u> | <u>\$29,802.58</u> | <u>\$254,372.75</u> | <u>\$217,614.25</u> | <u>53.89%</u> |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|------------------------------------|-------------------------|--------------------------------|----------------------------|---------------------|-----------------------|
| <u>DISPATCH</u> | | | | | |
| COMMUNICATION | 5,400.00 | 130.23 | 1,292.48 | 4,107.52 | 23.93% |
| CONTINGENCY | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 2,500.00 | 0.00 | 0.00 | 2,500.00 | 0.00% |
| OFFICE SUPPLIES | 900.00 | 0.00 | 252.86 | 647.14 | 28.10% |
| OTHER CONTRACTUAL SERVICES | 3,830.00 | 61.99 | 985.38 | 2,844.62 | 25.73% |
| OVERTIME | 47,165.00 | 1,685.37 | 31,761.62 | 15,403.38 | 67.34% |
| SALARIES | 484,020.00 | 32,987.46 | 285,360.64 | 198,659.36 | 58.96% |
| TRAVEL & TRAINING | 9,000.00 | 90.00 | 2,058.86 | 6,941.14 | 22.88% |
| UNIFORMS | 1,000.00 | 0.00 | 0.00 | 1,000.00 | 0.00% |
| Total Expenditures | <u>\$558,815.00</u> | <u>\$34,955.05</u> | <u>\$321,711.84</u> | <u>\$237,103.16</u> | <u>57.57%</u> |
| <u>ECONOMIC DEVELOPMENT</u> | | | | | |
| DOWNTOWN DEVELOPMENT CORP. | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| JOB BOUNTY | 15,000.00 | 0.00 | 2,400.00 | 12,600.00 | 16.00% |
| OTHER CONTRACTUAL SERVICES | 241,205.00 | 175.00 | 243,381.82 | (2,176.82) | 100.90% |
| Total Expenditures | <u>\$256,205.00</u> | <u>\$175.00</u> | <u>\$245,781.82</u> | <u>\$10,423.18</u> | <u>95.93%</u> |
| <u>FINANCE/CITY CLERK</u> | | | | | |
| COMMUNICATION | 1,320.00 | 86.54 | 778.79 | 541.21 | 59.00% |
| CONTINGENCY | 5,000.00 | 0.00 | 149.99 | 4,850.01 | 3.00% |
| GENERAL SUPPLIES & MATERIALS | 600.00 | 0.00 | 137.97 | 462.03 | 23.00% |
| INSURANCE & SURETY BONDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 12,000.00 | 733.20 | 5,939.57 | 6,060.43 | 49.50% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 7,800.00 | 400.44 | 4,365.26 | 3,434.74 | 55.96% |
| OVERTIME | 500.00 | 0.00 | 332.23 | 167.77 | 66.45% |
| PROFESSIONAL SERVICES | 40,000.00 | 28,120.00 | 40,000.00 | 0.00 | 100.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALARIES | 292,987.00 | 21,325.03 | 193,922.44 | 99,064.56 | 66.19% |
| TRAVEL & TRAINING | 7,600.00 | 97.90 | 1,698.15 | 5,901.85 | 22.34% |
| Total Expenditures | <u>\$367,807.00</u> | <u>\$50,763.11</u> | <u>\$247,324.40</u> | <u>\$120,482.60</u> | <u>67.24%</u> |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|---------------------------------|-------------------------|--------------------------------|----------------------------|---------------------|-----------------------|
| <u>FIRE DEPARTMENT</u> | | | | | |
| COMMUNICATION | 5,700.00 | 521.53 | 3,625.83 | 2,074.17 | 63.61% |
| CONTINGENCY | 5,000.00 | 0.00 | 1,012.65 | 3,987.35 | 20.25% |
| EQUIPMENT EXPENSE | 52,000.00 | 730.50 | 8,003.37 | 43,996.63 | 15.39% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 96.59 | 3,391.95 | (3,391.95) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 239.25 | 3,085.67 | (3,085.67) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 72.00 | 333.75 | (333.75) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 812.55 | 2,850.80 | (2,850.80) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 6,123.83 | (6,123.83) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 235.92 | 235.92 | (235.92) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 48.00 | 48.00 | (48.00) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 480.97 | 480.97 | (480.97) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 4,522.73 | 8,831.71 | (8,831.71) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 48.00 | 70.37 | (70.37) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 1,408.00 | 4,164.01 | (4,164.01) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 72.00 | 1,847.41 | (1,847.41) | 0.00% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 10.79 | (10.79) | 0.00% |
| GENERAL SUPPLIES & MATERIALS | 41,300.00 | 5,468.91 | 16,677.64 | 24,622.36 | 40.38% |
| GRANT FUNDING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 800.00 | 0.00 | 295.22 | 504.78 | 36.90% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 4,350.00 | 140.22 | 3,873.94 | 476.06 | 89.06% |
| OVERTIME | 121,000.00 | 8,747.90 | 76,763.46 | 44,236.54 | 63.44% |
| PAID PER CALL | 20,000.00 | 1,088.35 | 14,707.91 | 5,292.09 | 73.54% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 42,000.00 | 1,372.43 | 29,567.48 | 12,432.52 | 70.40% |
| SALARIES | 1,057,443.00 | 77,800.12 | 699,701.76 | 357,741.24 | 66.17% |
| TRAINING CERTIFICATION | 15,000.00 | 0.00 | 0.00 | 15,000.00 | 0.00% |
| TRAVEL & TRAINING | 35,400.00 | 820.68 | 22,818.63 | 12,581.37 | 64.46% |
| UNIFORMS | 9,000.00 | 219.15 | 4,603.19 | 4,396.81 | 51.15% |
| Total Expenditures | <u>\$1,408,993.00</u> | <u>\$104,945.80</u> | <u>\$913,126.26</u> | <u>\$495,866.74</u> | <u>64.81%</u> |
| <u>FLEET MAINTENANCE</u> | | | | | |
| Total Expenditures | <u>\$830,101.00</u> | <u>\$53,693.94</u> | <u>\$457,886.78</u> | <u>\$372,214.22</u> | <u>55.16%</u> |
| <u>GOLF COURSE</u> | | | | | |
| BUILDINGS & STRUCTURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CHEMICALS | 86,800.00 | 1,151.20 | 65,641.54 | 21,158.46 | 75.62% |
| COMMUNICATION | 2,800.00 | 169.39 | 1,316.99 | 1,483.01 | 47.04% |
| ELECTRICITY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 2,000.00 | 32.93 | 1,004.01 | 995.99 | 50.20% |
| GENERAL SUPPLIES & MATERIALS | 29,800.00 | 1,256.10 | 21,546.18 | 8,253.82 | 72.30% |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NATURAL GAS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 5,200.00 | 0.00 | 606.95 | 4,593.05 | 11.67% |
| OFFICE SUPPLIES | 400.00 | 0.00 | 124.18 | 275.82 | 31.05% |
| OTHER CONTRACTUAL SERVICES | 33,800.00 | 2,231.27 | 17,116.11 | 16,683.89 | 50.64% |
| OVERTIME | 7,000.00 | 1,262.25 | 8,836.62 | (1,836.62) | 126.24% |
| PRO SHOP CR CARD ACTIVITY | 0.00 | (2,440.46) | (508.85) | 508.85 | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RENTALS | 1,500.00 | 0.00 | 270.00 | 1,230.00 | 18.00% |
| REPAIRS TO BLDGS & STRUCTURES | 12,000.00 | 84.63 | 8,941.99 | 3,058.01 | 74.52% |
| SALARIES | 123,597.00 | 11,668.66 | 78,194.84 | 45,402.16 | 63.27% |
| SEASONAL/PART TIME | 43,400.00 | 6,541.75 | 36,609.50 | 6,790.50 | 84.35% |
| TRAVEL & TRAINING | 1,600.00 | 65.80 | 336.01 | 1,263.99 | 21.00% |
| UNIFORMS | 1,000.00 | 0.00 | 701.25 | 298.75 | 70.13% |
| Total Expenditures | <u>\$350,897.00</u> | <u>\$22,023.52</u> | <u>\$240,737.32</u> | <u>\$110,159.68</u> | <u>68.61%</u> |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | <u>Balance</u> | <u>% Spent</u> YTD |
|---|-------------------------|--------------------------------|----------------------------|---------------------|-----------------------|
| <u>HUMAN RESOURCES</u> | | | | | |
| COMMUNICATION | 1,200.00 | 64.25 | 581.33 | 618.67 | 48.44% |
| LEGAL PUBLICATIONS & PRINTING | 11,000.00 | 1,501.47 | 8,740.93 | 2,259.07 | 79.46% |
| ORGANIZATION DEVELOPMENT | 27,500.00 | (95.86) | 12,167.43 | 15,332.57 | 44.25% |
| OTHER CONTRACTUAL SERVICES | 2,500.00 | 108.32 | 754.96 | 1,745.04 | 30.20% |
| OVERTIME | 250.00 | 0.00 | 308.93 | (58.93) | 123.57% |
| PROFESSIONAL SERVICES | 44,000.00 | 2,973.75 | 14,810.35 | 29,189.65 | 33.66% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALARIES | 101,252.00 | 8,243.76 | 71,347.45 | 29,904.55 | 70.47% |
| TRAVEL & TRAINING | 5,000.00 | 0.00 | 349.00 | 4,651.00 | 6.98% |
| Total Expenditures | <u>\$192,702.00</u> | <u>\$12,795.69</u> | <u>\$109,060.38</u> | <u>\$83,641.62</u> | <u>56.60%</u> |
| <u>INFORMATION TECHNOLOGY</u> | | | | | |
| COMMUNICATION | 3,400.00 | 240.31 | 1,795.26 | 1,604.74 | 52.80% |
| EQUIPMENT EXPENSE | 9,250.00 | 228.60 | 1,615.90 | 7,634.10 | 17.47% |
| GENERAL SUPPLIES & MATERIALS | 3,500.00 | 65.12 | 1,020.95 | 2,479.05 | 29.17% |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 28,660.00 | 0.00 | 4,746.29 | 23,913.71 | 16.56% |
| OFFICE SUPPLIES | 15,450.00 | 1,159.75 | 5,110.00 | 10,340.00 | 33.07% |
| OTHER CONTRACTUAL SERVICES | 179,910.00 | 15,279.45 | 126,636.88 | 53,273.12 | 70.39% |
| OVERTIME | 1,200.00 | 236.96 | 779.06 | 420.94 | 64.92% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALARIES | 277,999.00 | 20,308.45 | 182,776.16 | 95,222.84 | 65.75% |
| TRAVEL & TRAINING | 15,750.00 | 3,229.50 | 8,196.43 | 7,553.57 | 52.04% |
| Total Expenditures | <u>\$535,119.00</u> | <u>\$40,748.14</u> | <u>\$332,676.93</u> | <u>\$202,442.07</u> | <u>62.17%</u> |
| <u>INTERGOVERNMENTAL ACCOUNT</u> | | | | | |
| COMMUNICATION | 57,000.00 | 3,000.00 | 36,382.76 | 20,617.24 | 63.83% |
| EQUIPMENT EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| INSURANCE & SURETY BONDS | 270,000.00 | 0.00 | 218,381.20 | 51,618.80 | 80.88% |
| OFFICE SUPPLIES | 24,500.00 | 7,324.16 | 16,845.69 | 7,654.31 | 68.76% |
| OTHER CONTRACTUAL SERVICES | 13,000.00 | 1,247.15 | 8,468.39 | 4,531.61 | 65.14% |
| Total Expenditures | <u>\$364,500.00</u> | <u>\$11,571.31</u> | <u>\$280,078.04</u> | <u>\$84,421.96</u> | <u>76.84%</u> |
| <u>MUNICIPAL COURT</u> | | | | | |
| INSURANCE & SURETY BONDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OFFICE SUPPLIES | 1,200.00 | 97.96 | 523.60 | 676.40 | 43.63% |
| OTHER CONTRACTUAL SERVICES | 5,600.00 | 285.89 | 2,537.53 | 3,062.47 | 45.31% |
| OVERTIME | 3,000.00 | 0.00 | 518.27 | 2,481.73 | 17.28% |
| PROFESSIONAL SERVICES | 35,000.00 | 1,800.00 | 16,200.00 | 18,800.00 | 46.29% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SAFE RIDE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALARIES | 111,091.00 | 8,035.28 | 73,292.34 | 37,798.66 | 65.98% |
| TRAVEL & TRAINING | 1,000.00 | 0.00 | 10.92 | 989.08 | 1.09% |
| Total Expenditures | <u>\$156,891.00</u> | <u>\$10,219.13</u> | <u>\$93,082.66</u> | <u>\$63,808.34</u> | <u>59.33%</u> |
| <u>P.W.-GENERAL ADMINISTRATION</u> | | | | | |
| COMMUNICATION | 2,750.00 | 221.77 | 1,786.68 | 963.32 | 64.97% |
| CONTINGENCY | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00% |
| GENERAL SUPPLIES & MATERIALS | 4,000.00 | 131.45 | 2,726.83 | 1,273.17 | 68.17% |
| OFFICE SUPPLIES | 5,000.00 | 175.01 | 2,213.17 | 2,786.83 | 44.26% |
| OTHER CONTRACTUAL SERVICES | 2,200.00 | 0.00 | 540.00 | 1,660.00 | 24.55% |
| OVERTIME | 500.00 | 0.00 | 0.00 | 500.00 | 0.00% |
| PROFESSIONAL SERVICES | 20,000.00 | 0.00 | 0.00 | 20,000.00 | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALARIES | 234,415.00 | 17,277.39 | 155,340.40 | 79,074.60 | 66.27% |
| TRAVEL & TRAINING | 8,000.00 | 1,398.12 | 4,446.01 | 3,553.99 | 55.58% |
| Total Expenditures | <u>\$281,865.00</u> | <u>\$19,203.74</u> | <u>\$167,053.09</u> | <u>\$114,811.91</u> | <u>59.27%</u> |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|--|-------------------------|--------------------------------|----------------------------|---------------------|-----------------------|
| <u>PARKS & PLAYGROUNDS</u> | | | | | |
| BUILDINGS & STRUCTURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CHEMICALS | 18,000.00 | 0.00 | 12,981.40 | 5,018.60 | 72.12% |
| COMMUNICATION | 2,500.00 | 193.93 | 1,352.12 | 1,147.88 | 54.08% |
| CONTINGENCY | 5,000.00 | 154.41 | 800.33 | 4,199.67 | 16.01% |
| ELECTRICITY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 8,000.00 | 186.93 | 4,266.28 | 3,733.72 | 53.33% |
| GENERAL SUPPLIES & MATERIALS | 45,000.00 | 2,796.39 | 29,397.77 | 15,602.23 | 65.33% |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NATURAL GAS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 2,000.00 | 0.00 | 1,862.59 | 137.41 | 93.13% |
| OFFICE SUPPLIES | 800.00 | 27.94 | 404.99 | 395.01 | 50.62% |
| OTHER CONTRACTUAL SERVICES | 24,000.00 | 624.92 | 11,530.19 | 12,469.81 | 48.04% |
| OVERTIME | 10,000.00 | 1,721.62 | 11,368.63 | (1,368.63) | 113.69% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RENTALS | 800.00 | 79.03 | 202.36 | 597.64 | 25.30% |
| REPAIRS TO BLDGS & STRUCTURES | 19,900.00 | 818.50 | 13,363.48 | 6,536.52 | 67.15% |
| SALARIES | 618,250.00 | 45,857.95 | 402,663.64 | 215,586.36 | 65.13% |
| SEASONAL/PART TIME | 97,920.00 | 10,655.75 | 63,268.50 | 34,651.50 | 64.61% |
| TRAVEL & TRAINING | 3,500.00 | 0.00 | 657.55 | 2,842.45 | 18.79% |
| UNIFORMS | 5,100.00 | 320.25 | 3,051.80 | 2,048.20 | 59.84% |
| Total Expenditures | <u>\$860,770.00</u> | <u>\$63,437.62</u> | <u>\$557,171.63</u> | <u>\$303,598.37</u> | <u>64.73%</u> |
| <u>PLANNING INSPECTION ENFORCEMEN</u> | | | | | |
| COMMUNICATION | 6,700.00 | 454.09 | 2,763.20 | 3,936.80 | 41.24% |
| EQUIPMENT EXPENSE | 3,750.00 | 0.00 | 3,374.95 | 375.05 | 90.00% |
| GENERAL SUPPLIES & MATERIALS | 1,500.00 | 7.57 | 655.15 | 844.85 | 43.68% |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OFFICE SUPPLIES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 7,000.00 | 602.85 | 2,494.17 | 4,505.83 | 35.63% |
| OVERTIME | 10,000.00 | 589.33 | 3,472.04 | 6,527.96 | 34.72% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALARIES | 273,563.00 | 20,024.22 | 179,950.50 | 93,612.50 | 65.78% |
| SEASONAL/PART TIME | 11,590.00 | 1,360.81 | 10,534.53 | 1,055.47 | 90.89% |
| TRAVEL & TRAINING | 25,000.00 | 21.56 | 11,025.65 | 13,974.35 | 44.10% |
| UNIFORMS | 1,200.00 | 0.00 | 30.00 | 1,170.00 | 2.50% |
| Total Expenditures | <u>\$340,303.00</u> | <u>\$23,060.43</u> | <u>\$214,300.19</u> | <u>\$126,002.81</u> | <u>62.97%</u> |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|---|-------------------------|--------------------------------|----------------------------|---------------------|-----------------------|
| <u>PUBLIC WORKS-SERVICE DIVISION</u> | | | | | |
| COMMUNICATION | 1,600.00 | 145.56 | 1,170.07 | 429.93 | 73.13% |
| ELECTRICITY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 40,000.00 | 4,476.71 | 7,390.62 | 32,609.38 | 18.48% |
| GENERAL SUPPLIES & MATERIALS | 181,000.00 | 30,850.07 | 98,233.05 | 82,766.95 | 54.27% |
| GRANT FUNDING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NATURAL GAS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 48,200.00 | 0.00 | 0.00 | 48,200.00 | 0.00% |
| OFFICE SUPPLIES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 16,000.00 | 230.40 | 9,812.61 | 6,187.39 | 61.33% |
| OVERTIME | 15,900.00 | 169.23 | 8,147.84 | 7,752.16 | 51.24% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RENTALS | 2,500.00 | 0.00 | 1,010.36 | 1,489.64 | 40.41% |
| REPAIRS TO BLDGS & STRUCTURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALARIES | 588,301.00 | 35,969.33 | 350,508.86 | 237,792.14 | 59.58% |
| SEASONAL/PART TIME | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFERS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRAVEL & TRAINING | 7,300.00 | 0.00 | 1,346.51 | 5,953.49 | 18.45% |
| UNIFORMS | 6,200.00 | 359.83 | 2,902.72 | 3,297.28 | 46.82% |
| Total Expenditures | <u>\$907,001.00</u> | <u>\$72,201.13</u> | <u>\$480,522.64</u> | <u>\$426,478.36</u> | <u>52.98%</u> |
| <u>QUALITY OF LIFE</u> | | | | | |
| OTHER CONTRACTUAL SERVICES | 35,303.00 | 0.00 | 35,303.00 | 0.00 | 100.00% |
| Total Expenditures | <u>\$35,303.00</u> | <u>\$0.00</u> | <u>\$35,303.00</u> | <u>\$0.00</u> | <u>100.00%</u> |
| <u>SOCIAL SERVICES</u> | | | | | |
| OTHER CONTRACTUAL SERVICES | 164,000.00 | 0.00 | 164,000.00 | 0.00 | 100.00% |
| TRANSFERS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$164,000.00</u> | <u>\$0.00</u> | <u>\$164,000.00</u> | <u>\$0.00</u> | <u>100.00%</u> |
| <u>SWIMMING POOL</u> | | | | | |
| BUILDINGS & STRUCTURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CHEMICALS | 39,500.00 | 2,832.00 | 23,065.50 | 16,434.50 | 58.39% |
| ELECTRICITY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| EQUIPMENT EXPENSE | 10,000.00 | 1,121.07 | 4,367.10 | 5,632.90 | 43.67% |
| GENERAL SUPPLIES & MATERIALS | 10,700.00 | 0.00 | 3,055.42 | 7,644.58 | 28.56% |
| INSURANCE & SURETY BONDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NATURAL GAS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 14,800.00 | 295.50 | 14,936.43 | (136.43) | 100.92% |
| OTHER CONTRACTUAL SERVICES | 31,700.00 | 100.00 | 5,679.91 | 26,020.09 | 17.92% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| RENTALS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 8,000.00 | 0.00 | 2,251.79 | 5,748.21 | 28.15% |
| TRAVEL & TRAINING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$114,700.00</u> | <u>\$4,348.57</u> | <u>\$53,356.15</u> | <u>\$61,343.85</u> | <u>46.52%</u> |
| Library | | | | | |
| <u>LIBRARY FUND EXPENDITURES</u> | | | | | |
| NEIGHBORHOOD REVIT REBATE | 3,730.00 | 0.00 | 3,095.49 | 634.51 | 82.99% |
| OTHER CONTRACTUAL SERVICES | 1,241,326.00 | 0.00 | 1,198,645.80 | 42,680.20 | 96.56% |
| TAX INCREMENT FINANCING DIST | 17,000.00 | 0.00 | 23,009.40 | (6,009.40) | 135.35% |
| Total Expenditures | <u>\$1,262,056.00</u> | <u>\$0.00</u> | <u>\$1,224,750.69</u> | <u>\$37,305.31</u> | <u>97.04%</u> |
| Airport | | | | | |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|---|-------------------------|--------------------------------|----------------------------|-----------------------|-----------------------|
| <u>AIRPORT FUND EXPENDITURES</u> | | | | | |
| COMMUNICATION | 3,000.00 | 172.22 | 1,241.57 | 1,758.43 | 41.39% |
| CONTINGENCY | 38,996.00 | 4,065.16 | 4,065.16 | 34,930.84 | 10.42% |
| ELECTRICITY | 35,000.00 | 4,675.50 | 20,864.09 | 14,135.91 | 59.61% |
| GENERAL SUPPLIES & MATERIALS | 28,400.00 | 4,413.31 | 30,556.16 | (2,156.16) | 107.59% |
| GRANT FUNDING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 500.00 | 0.00 | 0.00 | 500.00 | 0.00% |
| NATURAL GAS | 8,000.00 | 193.80 | 5,543.20 | 2,456.80 | 69.29% |
| NEIGHBORHOOD REVIT REBATE | 664.00 | 0.00 | 553.79 | 110.21 | 83.40% |
| NEW EQUIPMENT | 10,700.00 | 0.00 | 10,700.00 | 0.00 | 100.00% |
| OTHER CONTRACTUAL SERVICES | 25,000.00 | 1,877.63 | 13,890.46 | 11,109.54 | 55.56% |
| OVERTIME | 2,000.00 | 1,055.62 | 2,477.73 | (477.73) | 123.89% |
| PROFESSIONAL SERVICES | 1,000.00 | 0.00 | 0.00 | 1,000.00 | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROMOTIONS | 15,000.00 | 2,500.92 | 7,551.80 | 7,448.20 | 50.35% |
| REPAIRS TO BLDGS & STRUCTURES | 24,000.00 | 1,012.20 | 10,811.21 | 13,188.79 | 45.05% |
| SALARIES | 79,638.00 | 2,536.38 | 46,556.62 | 33,081.38 | 58.46% |
| SEASONAL/PART TIME | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00% |
| TAX INCREMENT FINANCING DIST | 3,000.00 | 0.00 | 4,116.78 | (1,116.78) | 137.23% |
| TRANSFER TO AIRPORT IMPROVEMEN | 60,843.00 | 0.00 | 60,843.00 | 0.00 | 100.00% |
| TRANSFER TO BOND & INTEREST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO EMPLOYEE BENEFIT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO GENERAL FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO NEW EQUIP. RESERVE | 7,013.00 | 0.00 | 7,013.00 | 0.00 | 100.00% |
| TRANSFERS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRAVEL & TRAINING | 3,000.00 | 490.00 | 951.88 | 2,048.12 | 31.73% |
| UNIFORMS | 750.00 | 61.75 | 433.40 | 316.60 | 57.79% |
| Total Expenditures | <u>\$351,504.00</u> | <u>\$23,054.49</u> | <u>\$228,169.85</u> | <u>\$123,334.15</u> | <u>64.91%</u> |
| Employee Benefit | | | | | |
| <u>EMPLOYEE BENEFIT EXPENDITURES</u> | | | | | |
| CONTINGENCY | 300,000.00 | 0.00 | 0.00 | 300,000.00 | 0.00% |
| EMPLOYEE RETIREMENT | 1,138,617.00 | 80,545.41 | 731,372.03 | 407,244.97 | 64.23% |
| HEALTH INSURANCE | 1,719,500.00 | 122,042.98 | 1,122,202.53 | 597,297.47 | 65.26% |
| NEIGHBORHOOD REVIT REBATE | 7,590.00 | 0.00 | 6,352.48 | 1,237.52 | 83.70% |
| OTHER CONTRACTUAL SERVICES | 75,139.00 | 3,323.44 | 28,249.75 | 46,889.25 | 37.60% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SOCIAL SECURITY | 676,213.00 | 48,062.64 | 428,488.48 | 247,724.52 | 63.37% |
| TAX INCREMENT FINANCING DIST | 33,625.00 | 0.00 | 47,219.36 | (13,594.36) | 140.43% |
| TRANSFER TO BOND & INTEREST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO RISK MANAGEMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| UNEMPLOYMENT COMPENSATION | 25,634.00 | 0.00 | 12,423.15 | 13,210.85 | 48.46% |
| WORKERS COMPENSATION | 180,350.00 | 0.00 | 176,639.00 | 3,711.00 | 97.94% |
| Total Expenditures | <u>\$4,156,668.00</u> | <u>\$253,974.47</u> | <u>\$2,552,946.78</u> | <u>\$1,603,721.22</u> | <u>61.42%</u> |
| Special Highway | | | | | |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|--|-------------------------|--------------------------------|----------------------------|---------------------|-----------------------|
| <u>SPECIAL HIGHWAY EXPENDITURES</u> | | | | | |
| 2001 SIDEWALK RAMPS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| BUDGETED CAPITAL PROJECTS | 548,352.00 | 1,421.88 | 130,672.22 | 417,679.78 | 23.83% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 218,172.26 | 218,172.26 | (218,172.26) | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 17,302.02 | (17,302.02) | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 51,545.06 | 71,509.40 | (71,509.40) | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 42,400.00 | (42,400.00) | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 96.60 | 3,385.75 | (3,385.75) | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 80.00 | (80.00) | 0.00% |
| BUDGETED CAPITAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CONTINGENCY | 50,000.00 | 0.00 | 0.00 | 50,000.00 | 0.00% |
| CORR MGT - GENERAL HAYS RD. | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CORR MGT-REVERSE ACCESS 48-55 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO BOND & INTEREST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO EMPLOYEE BENEFIT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO GENERAL FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO WATER/SEWER FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFERS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| VINE ST.-MILL & OVERLAY--13/27 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$598,352.00</u> | <u>\$271,235.80</u> | <u>\$483,521.65</u> | <u>\$114,830.35</u> | <u>80.81%</u> |
| Special Park & Rec | | | | | |
| <u>SPECIAL PRK & REC EXPENDITURES</u> | | | | | |
| BUILDINGS & STRUCTURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CONTINGENCY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 235,786.00 | 650.00 | 6,642.46 | 229,143.54 | 2.82% |
| TRANSFER TO NEW EQUIP. RESERVE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$235,786.00</u> | <u>\$650.00</u> | <u>\$6,642.46</u> | <u>\$229,143.54</u> | <u>2.82%</u> |
| Special Alcohol Fund | | | | | |
| <u>SPECIAL ALCOHOL FUND EXPENDITURES</u> | | | | | |
| CONTINGENCY | 175,371.00 | 0.00 | 0.00 | 175,371.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 60,000.00 | 0.00 | 60,000.00 | 0.00 | 100.00% |
| TRANSFER TO EMPLOYEE BENEFIT | 26,074.00 | 0.00 | 26,074.00 | 0.00 | 100.00% |
| TRANSFER TO GENERAL FUND | 54,336.00 | 0.00 | 54,336.00 | 0.00 | 100.00% |
| TRANSFERS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$315,781.00</u> | <u>\$0.00</u> | <u>\$140,410.00</u> | <u>\$175,371.00</u> | <u>44.46%</u> |
| Convention & Visitors Bureau | | | | | |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|---|-------------------------|--------------------------------|----------------------------|----------------------|-----------------------|
| <u>CVB EXPENDITURES</u> | | | | | |
| COMMUNICATION | 6,000.00 | 253.10 | 2,847.38 | 3,152.62 | 47.46% |
| CONTINGENCY | 295,882.00 | 3,000.00 | 3,225.00 | 292,657.00 | 1.09% |
| ELECTRICITY | 9,000.00 | 1,585.30 | 5,793.40 | 3,206.60 | 64.37% |
| GENERAL SUPPLIES & MATERIALS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| GRANT FUNDING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 90,000.00 | 3,865.00 | 53,044.12 | 36,955.88 | 58.94% |
| NATURAL GAS | 1,500.00 | 68.14 | 910.03 | 589.97 | 60.67% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OFFICE SUPPLIES | 5,000.00 | 405.95 | 1,169.53 | 3,830.47 | 23.39% |
| OTHER CONTRACTUAL SERVICES | 80,000.00 | 4,417.97 | 49,213.69 | 30,786.31 | 61.52% |
| OVERTIME | 1,500.00 | 0.00 | 602.45 | 897.55 | 40.16% |
| PROJECTS | 74,000.00 | 0.00 | 0.00 | 74,000.00 | 0.00% |
| PROMOTIONS | 60,000.00 | 4,597.67 | 26,529.60 | 33,470.40 | 44.22% |
| RENTALS | 408,000.00 | 0.00 | 50,291.01 | 357,708.99 | 12.33% |
| REPAIRS TO BLDGS & STRUCTURES | 6,000.00 | 462.76 | 1,115.73 | 4,884.27 | 18.60% |
| SALARIES | 223,939.00 | 16,288.21 | 141,523.82 | 82,415.18 | 63.20% |
| SEASONAL/PART TIME | 10,050.00 | 1,250.65 | 6,266.68 | 3,783.32 | 62.36% |
| TRANSFER TO EMPLOYEE BENEFIT | 80,430.00 | 0.00 | 80,430.00 | 0.00 | 100.00% |
| TRANSFER TO GENERAL FUND | 63,325.00 | 0.00 | 63,325.00 | 0.00 | 100.00% |
| TRANSFER TO NEW EQUIP. RESERVE | 2,760.00 | 0.00 | 2,760.00 | 0.00 | 100.00% |
| TRANSFERS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRAVEL & TRAINING | 7,000.00 | 26.01 | 1,832.52 | 5,167.48 | 26.18% |
| Total Expenditures | <u>\$1,424,386.00</u> | <u>\$36,220.76</u> | <u>\$490,879.96</u> | <u>\$933,506.04</u> | <u>34.46%</u> |
| Library Employee Benefit | | | | | |
| <u>LIBRARY EMP. BENEFIT EXPENDITURES</u> | | | | | |
| NEIGHBORHOOD REVIT REBATE | 568.00 | 0.00 | 471.43 | 96.57 | 83.00% |
| OTHER CONTRACTUAL SERVICES | 186,833.00 | 0.00 | 179,298.44 | 7,534.56 | 95.97% |
| TAX INCREMENT FINANCING DIST | 2,500.00 | 0.00 | 3,504.34 | (1,004.34) | 140.17% |
| Total Expenditures | <u>\$189,901.00</u> | <u>\$0.00</u> | <u>\$183,274.21</u> | <u>\$6,626.79</u> | <u>96.51%</u> |
| Risk Management | | | | | |
| <u>RISK MGT. FUND EXPENDITURES</u> | | | | | |
| CONTINGENCY | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO EMPLOYEE BENEFIT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>0.00%</u> |
| Golf Course Improvement | | | | | |
| <u>GOLF COURSE IMPR. EXPENDITURES</u> | | | | | |
| GENERAL SUPPLIES & MATERIALS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 0.00 | 0.00 | 534.20 | (534.20) | 0.00% |
| Total Expenditures | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$534.20</u> | <u>(\$534.20)</u> | <u>0.00%</u> |
| Park Development | | | | | |
| <u>PARK DEVELOPMENT EXPENDITURES</u> | | | | | |
| CONTINGENCY | 5,027.00 | 0.00 | 0.00 | 5,027.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$5,027.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$5,027.00</u> | <u>0.00%</u> |
| Law Enforcement Grant | | | | | |
| <u>DOJ-EXPENDITURES</u> | | | | | |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>0.00%</u> |
| Sports Complex | | | | | |
| <u>SPORTS COMPLEX-EXPENDITURES</u> | | | | | |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO EMPLOYEE BENEFIT | 0.00 | 0.00 | 18,002.00 | (18,002.00) | 0.00% |
| TRANSFER TO GENERAL FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$18,002.00</u> | <u>(\$18,002.00)</u> | <u>0.00%</u> |

| | Budgeted 2014 | Expenses Current Mo. | Expenses To Date | Balance | % Spent YTD |
|--|------------------|-------------------------|---------------------|------------------|----------------|
| <u>STORMWATER MANAGEMENT EXPENDIT</u> | | | | | |
| COMMUNICATION | 750.00 | 216.35 | 572.01 | 177.99 | 76.27% |
| CONTINGENCY | 50,000.00 | 170.00 | 9,500.00 | 40,500.00 | 19.00% |
| GENERAL SUPPLIES & MATERIALS | 7,400.00 | 1,675.60 | 1,719.00 | 5,681.00 | 23.23% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OFFICE SUPPLIES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 10,000.00 | 60.00 | 2,428.12 | 7,571.88 | 24.28% |
| PROFESSIONAL SERVICES | 20,000.00 | 0.00 | 778.50 | 19,221.50 | 3.89% |
| PROJECTS | 576,544.00 | 0.00 | 0.00 | 576,544.00 | 0.00% |
| SALARIES | 31,375.00 | 3,113.84 | 10,979.88 | 20,395.12 | 35.00% |
| TRANSFER TO EMPLOYEE BENEFIT | 11,851.00 | 0.00 | 11,851.00 | 0.00 | 100.00% |
| TRANSFER TO GENERAL FUND | 64,260.00 | 0.00 | 64,260.00 | 0.00 | 100.00% |
| TRANSFER TO NEW EQUIP. RESERVE | 1,790.00 | 0.00 | 1,790.00 | 0.00 | 100.00% |
| TRAVEL & TRAINING | 8,000.00 | 0.00 | 788.37 | 7,211.63 | 9.85% |
| UNIFORMS | 200.00 | 0.00 | 0.00 | 200.00 | 0.00% |
| Total Expenditures | \$782,170.00 | \$5,235.79 | \$104,666.88 | \$677,503.12 | 13.38% |
| <u>PARKS IMPROVEMENT FUND-EXPEND</u> | | | | | |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 0.00 | 2,903.81 | 11,731.32 | (11,731.32) | 0.00% |
| Total Expenditures | \$0.00 | \$2,903.81 | \$11,731.32 | (\$11,731.32) | 0.00% |
| <u>ELLIS CO. SALES TAX-EXPENDITUR</u> | | | | | |
| OTHER CONTRACTUAL SERVICES | 0.00 | 153,632.81 | 1,206,403.13 | (1,206,403.13) | 0.00% |
| Total Expenditures | \$0.00 | \$153,632.81 | \$1,206,403.13 | (\$1,206,403.13) | 0.00% |
| Bond & Interest | | | | | |
| <u>BOND & INTEREST EXPENDITURES</u> | | | | | |
| BOND PRINCIPAL | 970,003.00 | 955,000.00 | 955,000.00 | 15,003.00 | 98.45% |
| CASH BASIS RESERVE | 60,000.00 | 0.00 | 0.00 | 60,000.00 | 0.00% |
| ECONOMIC DEVELOPMENT BONDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| INTEREST COUPONS | 403,540.00 | 211,036.26 | 424,540.42 | (21,000.42) | 105.20% |
| INTEREST ON TEMPORARY NOTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| INTEREST ON TIF | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LEVY STABILIZATION | 75,000.00 | 0.00 | 0.00 | 75,000.00 | 0.00% |
| NEIGHBORHOOD REVIT REBATE | 2,720.00 | 0.00 | 2,257.36 | 462.64 | 82.99% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TAX INCREMENT FINANCING DIST | 13,000.00 | 0.00 | 16,779.46 | (3,779.46) | 129.07% |
| TRANSFER TO RESERVE FOR TIF | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | \$1,524,263.00 | \$1,166,036.26 | \$1,398,577.24 | \$125,685.76 | 91.75% |
| TDD Sales Tax | | | | | |
| <u>TDD SLS TAX EXPENDITURES</u> | | | | | |
| OTHER CONTRACTUAL SERVICES | 0.00 | 20,952.25 | 164,010.14 | (164,010.14) | 0.00% |
| Total Expenditures | \$0.00 | \$20,952.25 | \$164,010.14 | (\$164,010.14) | 0.00% |
| Home Depot Economic Dev Bonds | | | | | |
| <u>H DEPOT ECON DEV BND-EXPENDITU</u> | | | | | |
| BOND PRINCIPAL | 115,000.00 | 115,000.00 | 115,000.00 | 0.00 | 100.00% |
| INTEREST COUPONS | 96,706.00 | 48,352.51 | 96,705.02 | 0.98 | 100.00% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | \$211,706.00 | \$163,352.51 | \$211,705.02 | \$0.98 | 100.00% |
| 48th/Roth Ave. - CID | | | | | |
| <u>48TH/ROTH AVE CID-EXPENDITURE</u> | | | | | |
| OTHER CONTRACTUAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.00% |
| Water & Sewer | | | | | |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|--|-------------------------|--------------------------------|----------------------------|-----------------------|-----------------------|
| <u>DEBT SERVICE</u> | | | | | |
| INT-REVENUE BND PAYMENT 2009A | 140,000.00 | 11,349.58 | 90,796.64 | 49,203.36 | 64.85% |
| INTEREST-REVENUE BOND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PRINCIPAL & INT. REVOLVING LOA | 400,000.00 | 0.00 | 66,810.09 | 333,189.91 | 16.70% |
| PRINCIPAL PAYMENT-SLS TX BOND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PWWSD #15 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| REV BOND PAYMENT 2009-A | 285,000.00 | 23,750.00 | 190,000.00 | 95,000.00 | 66.67% |
| REVENUE BOND PAYMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALES TAX BOND ISSUE-INTEREST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| UNAMORITIZED 1996 BOND IS.COST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| WATER EXPLORATION | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$825,000.00</u> | <u>\$35,099.58</u> | <u>\$347,606.73</u> | <u>\$477,393.27</u> | <u>42.13%</u> |
| <u>DEBT SERVICE - SALES TAX</u> | | | | | |
| PRINCIPAL PAYMENT-SLS TX BOND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PWWSD #15 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| SALES TAX BOND ISSUE-INTEREST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER-SALES TAX RESERVE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| UNAMORITIZED 1996 BOND IS.COST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| WATER EXPLORATION | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>0.00%</u> |
| <u>UTILITIES DEPT./WATER CONSERV.</u> | | | | | |
| COMMUNICATION | 0.00 | 29.29 | 118.49 | (118.49) | 0.00% |
| GENERAL SUPPLIES & MATERIALS | 5,000.00 | 316.98 | 2,605.90 | 2,394.10 | 52.12% |
| GRANT FUNDING | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 2,000.00 | 0.00 | 163.50 | 1,836.50 | 8.18% |
| NEW EQUIPMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OFFICE SUPPLIES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| OTHER CONTRACTUAL SERVICES | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00% |
| OVERTIME | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 335,000.00 | 5,407.50 | 46,665.30 | 288,334.70 | 13.93% |
| SALARIES | 81,109.00 | 3,892.30 | 38,650.70 | 42,458.30 | 47.65% |
| TRANSFER TO NEW EQUIP. RESERVE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRAVEL & TRAINING | 2,000.00 | 87.69 | 1,035.87 | 964.13 | 51.79% |
| UNIFORMS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| Total Expenditures | <u>\$435,109.00</u> | <u>\$9,733.76</u> | <u>\$89,239.76</u> | <u>\$345,869.24</u> | <u>20.51%</u> |
| <u>W/S NON-OPERATING EXPENDITURES</u> | | | | | |
| CAPITAL EXPENDITURES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| CLEAN DRINKING WATER FEE | 20,000.00 | 0.00 | 12,527.64 | 7,472.36 | 62.64% |
| CONTINGENCY | 50,000.00 | 2,228.73 | 28,594.36 | 21,405.64 | 57.19% |
| GRANT FUNDING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| INTEREST ON METER DEPOSITS | 1,000.00 | 20.89 | 163.61 | 836.39 | 16.36% |
| OTHER CONTRACTUAL SERVICES | 0.00 | 1,389.69 | 10,351.53 | (10,351.53) | 0.00% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| R-9 RANCH EXPENDITURES | 315,000.00 | 41,787.26 | 132,395.25 | 182,604.75 | 42.03% |
| TRANSFER TO BOND & INTEREST | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO CAPITAL IMPROVEMEN | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO EMPLOYEE BENEFIT | 486,662.00 | 0.00 | 486,662.00 | 0.00 | 100.00% |
| TRANSFER TO GENERAL FUND | 961,024.00 | 0.00 | 961,024.00 | 0.00 | 100.00% |
| TRANSFER TO NEW EQUIP. RESERVE | 62,926.00 | 0.00 | 62,926.00 | 0.00 | 100.00% |
| TRANSFER TO STORMWATER MGT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER-SALES TAX RESERVE | 2,755,475.00 | 0.00 | 0.00 | 2,755,475.00 | 0.00% |
| TRNSF TO GEN. FROM WA SLS TX | 596,850.00 | 0.00 | 596,850.00 | 0.00 | 100.00% |
| WATER TAPS, HYDRANTS, METERS | 128,000.00 | 1,721.80 | 64,771.98 | 63,228.02 | 50.60% |
| Total Expenditures | <u>\$5,376,937.00</u> | <u>\$47,148.37</u> | <u>\$2,356,266.37</u> | <u>\$3,020,670.63</u> | <u>43.82%</u> |

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|--|-------------------------|--------------------------------|----------------------------|---------------------|-----------------------|
| <u>WASTEWATER TREATMENT & COLL.</u> | | | | | |
| CHEMICALS | 64,050.00 | 4,777.95 | 31,005.76 | 33,044.24 | 48.41% |
| COMMUNICATION | 3,000.00 | 188.90 | 1,408.99 | 1,591.01 | 46.97% |
| ELECTRICITY | 182,905.00 | 26,866.50 | 109,201.56 | 73,703.44 | 59.70% |
| EQUIPMENT EXPENSE | 92,400.00 | 5,220.19 | 42,805.98 | 49,594.02 | 46.33% |
| GENERAL SUPPLIES & MATERIALS | 24,804.00 | 2,066.29 | 15,580.53 | 9,223.47 | 62.81% |
| LEGAL PUBLICATIONS & PRINTING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| NATURAL GAS | 26,966.00 | 1,152.52 | 17,509.56 | 9,456.44 | 64.93% |
| OFFICE SUPPLIES | 600.00 | 0.00 | 97.65 | 502.35 | 16.28% |
| OTHER CONTRACTUAL SERVICES | 186,050.00 | 3,522.63 | 15,655.11 | 170,394.89 | 8.41% |
| OVERTIME | 17,000.00 | 381.12 | 12,848.90 | 4,151.10 | 75.58% |
| PROFESSIONAL SERVICES | 29,035.00 | 1,503.87 | 9,110.97 | 19,924.03 | 31.38% |
| PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 51,500.00 | 242.97 | 49,127.69 | 2,372.31 | 95.39% |
| SALARIES | 459,300.00 | 32,723.13 | 294,860.23 | 164,439.77 | 64.20% |
| SEASONAL/PART TIME | 20,660.00 | 899.86 | 12,050.22 | 8,609.78 | 58.33% |
| TRAVEL & TRAINING | 4,000.00 | 1,119.73 | 2,761.74 | 1,238.26 | 69.04% |
| UNIFORMS | 4,500.00 | 253.90 | 1,827.22 | 2,672.78 | 40.60% |
| Total Expenditures | <u>\$1,166,770.00</u> | <u>\$80,919.56</u> | <u>\$615,852.11</u> | <u>\$550,917.89</u> | <u>52.78%</u> |
| <u>WATER PRODUCTION & DIST.</u> | | | | | |
| CHEMICALS | 520,810.00 | 37,314.08 | 259,728.55 | 261,081.45 | 49.87% |
| COMMUNICATION | 8,400.00 | 287.50 | 1,850.33 | 6,549.67 | 22.03% |
| ELECTRICITY | 275,700.00 | 38,167.37 | 152,279.35 | 123,420.65 | 55.23% |
| EQUIPMENT EXPENSE | 56,140.00 | 1,127.83 | 29,146.07 | 26,993.93 | 51.92% |
| GENERAL SUPPLIES & MATERIALS | 42,000.00 | 2,451.69 | 21,452.33 | 20,547.67 | 51.08% |
| INSURANCE & SURETY BONDS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| LEGAL PUBLICATIONS & PRINTING | 3,150.00 | 0.00 | 284.97 | 2,865.03 | 9.05% |
| NATURAL GAS | 6,100.00 | 63.26 | 6,271.82 | (171.82) | 102.82% |
| OFFICE SUPPLIES | 1,100.00 | 174.80 | 348.15 | 751.85 | 31.65% |
| OTHER CONTRACTUAL SERVICES | 91,720.00 | 25,647.83 | 36,060.49 | 55,659.51 | 39.32% |
| OVERTIME | 22,000.00 | 2,182.48 | 22,596.66 | (596.66) | 102.71% |
| PROFESSIONAL SERVICES | 15,540.00 | 0.00 | 1,896.00 | 13,644.00 | 12.20% |
| PROJECTS | 60,000.00 | 0.00 | 60.16 | 59,939.84 | 0.10% |
| RENTALS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 4,500.00 | 182.80 | 858.17 | 3,641.83 | 19.07% |
| SALARIES | 574,761.00 | 42,735.53 | 383,692.86 | 191,068.14 | 66.76% |
| SEASONAL/PART TIME | 28,276.00 | 722.50 | 4,271.25 | 24,004.75 | 15.11% |
| TRAVEL & TRAINING | 4,000.00 | 1,112.32 | 1,784.56 | 2,215.44 | 44.61% |
| UNIFORMS | 5,000.00 | 283.65 | 2,238.19 | 2,761.81 | 44.76% |
| Total Expenditures | <u>\$1,719,197.00</u> | <u>\$152,453.64</u> | <u>\$924,819.91</u> | <u>\$794,377.09</u> | <u>53.79%</u> |

Solid Waste

| | <u>Budgeted</u> 2014 | <u>Expenses</u> Current Mo. | <u>Expenses</u> To Date | Balance | <u>% Spent</u> YTD |
|--|-------------------------|--------------------------------|----------------------------|------------------------|-----------------------|
| <u>SOLID WASTE FUND EXPENDITURE</u> | | | | | |
| COMMUNICATION | 1,190.00 | 90.14 | 577.48 | 612.52 | 48.53% |
| CONTINGENCY | 50,000.00 | 5,202.81 | 5,624.06 | 44,375.94 | 11.25% |
| DEBT SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| DEPRECIATION EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| ELECTRICITY | 4,000.00 | 379.43 | 2,627.24 | 1,372.76 | 65.68% |
| EQUIPMENT EXPENSE | 10,900.00 | 130.93 | 1,024.60 | 9,875.40 | 9.40% |
| GENERAL SUPPLIES & MATERIALS | 23,240.00 | 620.55 | 6,722.31 | 16,517.69 | 28.93% |
| LEGAL PUBLICATIONS & PRINTING | 2,000.00 | 0.00 | 175.80 | 1,824.20 | 8.79% |
| NATURAL GAS | 3,084.00 | 25.83 | 1,663.82 | 1,420.18 | 53.95% |
| NEW EQUIPMENT | 3,400.00 | 0.00 | 0.00 | 3,400.00 | 0.00% |
| OFFICE SUPPLIES | 550.00 | 0.00 | 550.00 | 0.00 | 100.00% |
| OTHER CONTRACTUAL SERVICES | 368,080.00 | 30,915.26 | 211,176.28 | 156,903.72 | 57.37% |
| OVERTIME | 5,500.00 | 255.78 | 3,395.07 | 2,104.93 | 61.73% |
| PROFESSIONAL SERVICES | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| PROJECTS | 6,000.00 | 0.00 | 5,270.00 | 730.00 | 87.83% |
| RENTALS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| REPAIRS TO BLDGS & STRUCTURES | 3,600.00 | 167.65 | 1,579.34 | 2,020.66 | 43.87% |
| SALARIES | 352,055.00 | 26,128.73 | 230,959.41 | 121,095.59 | 65.60% |
| SEASONAL/PART TIME | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFER TO EMPLOYEE BENEFIT | 167,754.00 | 0.00 | 167,754.00 | 0.00 | 100.00% |
| TRANSFER TO GENERAL FUND | 245,000.00 | 0.00 | 245,000.00 | 0.00 | 100.00% |
| TRANSFER TO RESERVES | 86,765.00 | 0.00 | 0.00 | 86,765.00 | 0.00% |
| TRANSFER TO WATER/SEWER FUND | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRANSFERS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TRAVEL & TRAINING | 800.00 | 26.65 | 504.48 | 295.52 | 63.06% |
| UNIFORMS | 4,000.00 | 280.25 | 1,993.64 | 2,006.36 | 49.84% |
| UTILITY-WATER | 410.00 | 57.50 | 261.17 | 148.83 | 63.70% |
| Total Expenditures | <u>\$1,338,328.00</u> | <u>\$64,281.51</u> | <u>\$886,858.70</u> | <u>\$451,469.30</u> | <u>66.27%</u> |
| Fire Insurance Trust | | | | | |
| <u>FIRE INS TRUST EXPENDITURES</u> | | | | | |
| OTHER CONTRACTUAL SERVICES | 0.00 | 18,600.00 | 18,600.00 | (18,600.00) | 0.00% |
| Total Expenditures | <u>\$0.00</u> | <u>\$18,600.00</u> | <u>\$18,600.00</u> | <u>(\$18,600.00)</u> | <u>0.00%</u> |
| Grand Totals | <u>\$35,133,847.00</u> | <u>\$3,330,098.08</u> | <u>\$20,788,088.59</u> | <u>\$14,345,758.41</u> | <u>59.17%</u> |

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 6

MEETING DATE: 9-25-14

TOPIC:

Resolution No. 2014-022 Calling and Providing for a Public Hearing on the Hays Mall Community Improvement District

ACTION REQUESTED:

Approve Resolution No. 2014-022 calling and providing for the giving of notice of a public hearing on October 23, 2014 on the advisability of creating the Hays Mall Community Improvement District

NARRATIVE:

On August 11, 2014, Hays Mall LLC submitted a petition to create a Community Improvement District (CID). All materials have been reviewed by bond counsel, Gina Riekhof, Gilmore & Bell, P.C. and are found to meet all the requirements of Kansas law and the City of Hays Economic Development Policy. Staff recommends the commission approve Resolution No. 2014-022 setting a public hearing on October 23, 2014 to create the Hays Mall CID.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
Kim Rupp, Director of Finance

ADMINISTRATION RECOMMENDATION:

Staff recommends the Commission approve Resolution No. 2014-022 setting a public hearing on October 23, 2014 to create the Hays Mall CID.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memo
Resolution No. 2014-022

Commission Work Session Agenda

Memo

From: Kim Rupp, Director of Finance

Work Session: September 18, 2014

Subject: Resolution Calling for the Public Hearing on
Creation of the Hays Mall CID

Person(s) Responsible: Kim Rupp, Director of Finance

Summary

On August 11, 2014, Hays Mall LLC submitted a petition to create a Community Improvement District (CID). All materials have been reviewed by bond counsel, Gina Riekhof, Gilmore & Bell, P.C. and are found to meet all the requirements of Kansas law and the City of Hays Economic Development Policy. Staff recommends the commission approve the resolution setting a public hearing on October 23, 2014 to create the Hays Mall CID.

Background

A resolution calling and providing for the giving of notice of a public hearing on the creation of the Hays Mall CID is the next step in moving the valid CID petition forward in the process.

Discussion

Bond counsel, Gina Riekhof, Gilmore & Bell P.C. has reviewed all the documentation submitted. The owners have signed the petition and all other aspects of it comply with the requirements of K.S.A. 12-6a26 and is a valid petition for a CID under Kansas law and the City of Hays Economic Development Policy.

The resolution provides for a public hearing on the advisability of creating the Hays Mall CID, approving the projects in the petition and whether to impose a 1% CID Sales Tax in the district defined in the petition.

Legal Consideration

The City Attorney has reviewed the Memorandum, and based upon the fact that bond counsel has approved the procedure and reviewed all documents, there are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

The application fee of \$1000 and the deposit of \$5000 have been paid by Hays Mall LLC. The \$5000 is retained to pay for the City's out of pocket costs associated with the City's review of the application including costs of legal counsel. The Eco Devo Policy provides that if these costs incurred exceed the fee collected, the applicant shall reimburse the City for the additional.

Options

The City Commission has the following options:

- Approve the resolution calling for a public hearing on the creation of the Hays Mall CID
- Decline to approve the resolution
- Provide other direction to city staff

Recommendation

Staff recommends the commission approve the resolution setting a public hearing on October 23, 2014 to create the Hays Mall CID.

Action Requested

Move to approve the resolution calling and providing for the giving of notice of a public hearing on October 23, 2014 on the advisability of creating the Hays Mall Community Improvement District.

Supporting Documentation

Resolution

(Published in *The Hays Daily News* on September 29 and October 6, 2014)

RESOLUTION NO. 2014-022

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF HAYS, KANSAS TO BE KNOWN AS THE MALL AT HAYS COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT.

WHEREAS, K.S.A. 12-6a26 *et. seq.* (the "Act") authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance projects; and

WHEREAS, a petition (the "Petition") was filed with the City Manager on August 11, 2014, proposing the creation of the Mall at Hays Community Improvement District ("CID") under the Act and the imposition of a community improvement district sales tax in order to pay the costs of projects as described in the Petition (the "Projects"); and

WHEREAS, the Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

WHEREAS, the City of Hays, Kansas (the "City") desires to further consider creation of the CID and levy of a community improvement district sales tax in an amount equal to 1.0% as requested in the Petition (the "CID Sales Tax"); and

WHEREAS, the Governing Body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the CID, approving the Projects set forth in the Petition and levying the CID Sales Tax, pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, AS FOLLOWS:

SECTION 1. Petition. The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

SECTION 2. Public Hearing. It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Projects set forth in the Petition, and whether to impose a CID Sales Tax in an amount equal to **1.0%**, such public hearing to be held on **October 23, 2014 at 6:30 p.m.**, or as soon thereafter as the matter can be heard, at City Hall, 1507 Main Street, Hays, Kansas.

SECTION 3. Proposed CID Projects. The general nature of the proposed CID project to be constructed within the District includes improvements to the commercial property generally known as the Mall at Hays, and a portion of public right-of-way located along the mall's western property line, along Vine Street, and specifically includes but is not limited to: (a) interior improvements; (b) exterior

improvements; (c) parking lot repair, milling, overlay and sidewalk improvements; (d) demolition; (e) marquee and signage upgrades; (f) remodeled entrances and doors; and (g) exterior landscaping, monuments, islands, irrigation, lighting, and beautifications, all to those certain premises more particularly described in the Petition.

SECTION 4. Estimated Cost. The estimated cost of the proposed Projects is \$3,144,936, plus reimbursable post-construction financing costs.

SECTION 5. Method of Financing and Community Improvement District Sales Tax. The estimated cost of the proposed Projects, plus financing costs, will be financed by through pay-as-you-go financing and no bonds will be issued. It is proposed that a CID Sales Tax in an amount equal to **1.0%** will be levied. There will be **no** special assessments on property within the boundaries of the CID to pay the costs of the Projects

SECTION 6. Map and Legal Description of Proposed CID. The legal description of the property to be contained in the proposed CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as **Exhibit B** hereto, and incorporated by reference herein.

SECTION 7. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official newspaper. Such publication shall be at least once each week for two consecutive weeks. The second publication shall be at least 7 days prior to the date of the hearing. The City Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within such proposed CID at least 10 days prior to the date of the hearing.

SECTION 8. Effective Date. This Resolution shall be effective upon adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS THIS 25TH DAY OF SEPTEMBER, 2014.

Eber Phelps
Vice Mayor

Brenda Kitchen
City Clerk

EXHIBIT A

**LEGAL DESCRIPTION OF PROPOSED HAYS MALL
COMMUNITY IMPROVEMENT DISTRICT**

The following property located in Ellis County, Hays, Kansas:

TRACT A:

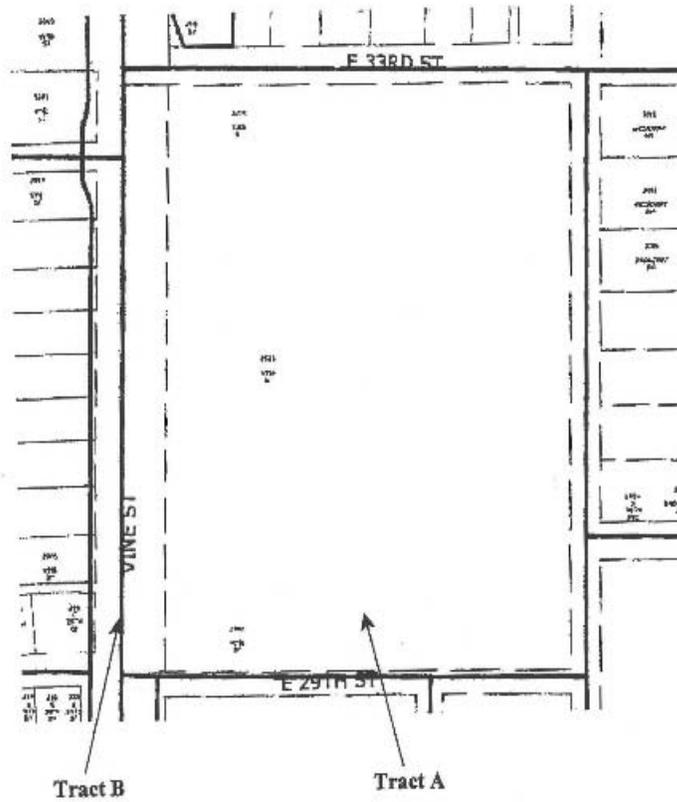
A tract of land in HAYS PLAZA FIRST ADDITION to the City of Hays, Ellis County, Kansas, described as follows: Beginning at the intersection of the East line of U.S. Highway 183 and the South line of 33rd Street; thence East along the South line of 33rd Street a distance of 918.2 feet to intersect the West line of Broadway Avenue; thence South along the West line of Broadway Avenue, a distance of 1,220.56 feet to intersect the North line of 29th Street; thence West along the North line of 29th Street a distance of 925.25 feet to intersect the East right-at-way line of U.S. Highway 183; thence North along the East line of U.S. Highway 183 a distance of 1,216.28 feet to the point of beginning.

AND

TRACT B:

That portion of the eastern one-half (1/2) of U.S. Highway 183 right-at-way located between the South line of 33rd Street and the North line of 29th Street, all in the City of Hays, Ellis County, Kansas.

EXHIBIT B
MAP OF PROPOSED HAYS MALL COMMUNITY IMPROVEMENT DISTRICT



CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 7

MEETING DATE: 9-25-14

TOPIC:

Easement Request – Midwest Energy

ACTION REQUESTED:

Approve the partial release and modification of the easement located on Lot Two (2), Block Two (2), Southridge Estates Addition.

NARRATIVE:

The proposed Partial Release would define the width of the easement at 100 feet, with 50 feet on each side of the centerline, excluding the area in Chetolah Creek. The Partial Release also updates the terms and conditions of the easement. The request is made to help Midwest satisfy requirements of the Federal Energy Regulatory Commission (FERC) and North American Electric Reliability Corporation (NERC). Defining the easement width and ensuring the right to maintain an easement without obstacles or encroachments which may interfere with or endanger the power lines are important elements in meeting the FERC/NERC requirements.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
ID Creech, Director Public Works

ADMINISTRATION RECOMMENDATION:

Staff recommends approval of the request. This is part of a larger project that will improve electric service delivery for the citizens of Hays.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memo
Letter of Request from MidWest Representative
1956 Easement
Southridge Estates Plat
Proposed Easement
Visual of Future Power Transmission Lines

Commission Work Session Agenda

Memo

From: ID Creech, Director of Public Works

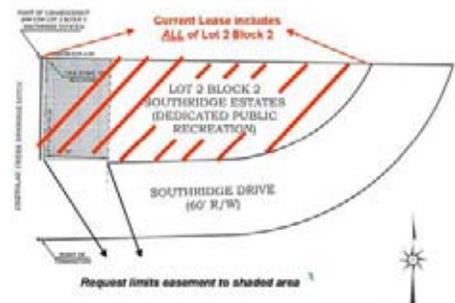
Work Session: September 18, 2014

Subject: Easement Request – Midwest Energy

Person(s) Responsible: Toby Dougherty, City Manager
ID Creech, Director Public Works

Summary

Midwest Energy is requesting an adjustment to an existing easement for City owned property in the Southridge addition to the City. Midwest currently holds a blanket easement over the property from a 1956 easement that contains restrictions on the number of structures that can be erected. Currently, two (2) “H” structures (2 poles with a horizontal cross arm) are allowed. Midwest desires to restrict the easement to a fifty (50) foot easement and to rebuild this transmission line with single poled structures which will require more than the two (2) structures allowed by current easement. Staff will recommend approval of the request.



Background

The easement for this transmission line was obtained by The Central Kansas Power Company in December 1956 and is a blanket type easement having no defined width. The existing line was constructed in the late 1950s. Midwest is the successor in interest to The Central Kansas Power Company. Midwest Energy has requested an amendment to a lease the City inherited when the Southridge Plat was annexed. The City owns the property from that plat of Southridge Estates dated 1973 and does not use the property for any continuing purpose. The only City activity for the property is the mowing maintenance provided by the Parks Department. There are no pending uses or future plans for use of this property by the Parks Department.



Discussion

The proposed Partial Release would define the width of the easement at 100 feet, with 50 feet on each side of the centerline, excluding the area in Chetolah Creek. The Partial Release also updates the terms and conditions of the easement. The request is made to help Midwest satisfy requirements of the Federal Energy Regulatory Commission (FERC) and North American Electric Reliability Corporation (NERC). Defining the easement width and ensuring the right to maintain an easement without obstacles or encroachments which may interfere with or endanger the power lines are important elements in meeting the FERC/NERC requirements.

The request is part of Midwest Energy's desire to upgrade the electric transmission, substation and distribution system in and around Hays. The project will involve the reconstruction of some existing 115 kV transmission lines, acquisition of easements for construction of new 115 kV power lines and acquisition of land for new and/or expanded substation sites. The route for the new line will follow the existing line via easement from December, 1956 and as part of the proposal for transmission and distribution system upgrades in the Hays area.

The existing transmission line was constructed with H-frame structures. Midwest plans to rebuild the line with single wood poles. The use of single wood poles will decrease the hanging strength of the structures and, thus, the distance between poles and increase the overall number of poles. The design work to rebuild the transmission line has not been completed so the distance between poles is not certain. For the purpose of example only, the distance between H-frame structures may be around 600 feet and the distance between single wood poles may be around 400 feet.

The existing easement includes a limit of 2 structures. Rebuilding the line with single wood poles will result in more than 2 poles being located in the area covered by the 1956 easement. The Partial Release has been revised to state that no poles, towers, or anchors will be located in the area dedicated for use as a public street.

Staff has reviewed the request with the petitioner, Zoning Administrator, Stormwater Superintendent, City Attorney, Parks Director, and airport consulting engineer finding no issues with the request.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

There are no known financial considerations for this issue.

Options

1. Approve the easement request as presented;
2. Do not approve the easement request;
3. Direct Staff to another direction;
4. Do nothing.

Recommendation

Staff will recommend approval of the request. This is part of a larger project that will improve electric service delivery for the citizens of Hays.

Action Requested

Approve the easement request.

Supporting Documentation

Letter of Request from MidWest Representative

1956 Easement

Southridge Estates Plat

Proposed Easement

Visual of Future Power Transmission Lines



UTILIMAP CORPORATION

September 4, 2014

Mr. I.D. Creech, II
Director of Public Works
City of Hays
1002 Vine Street
P.O. Box 490
Hays, KS 67601

Re: Midwest Energy, Inc. Transmission Line
Partial Release and Modification of Easement for
Lot Two (2), Block Two (2), Southridge Estates – Recreation Area

Dear Mr. Creech:

This letter will provide an explanation regarding our request for the City of Hays (City) to approve/execute a Partial Release and Modification of Right of Way (the "Partial Release") concerning the above captioned real property (the "Property"). Utilimap Corporation is assisting Midwest Energy, Inc. (Midwest) with a project to rebuild a portion of the existing 115 kV transmission line which runs from the South Hays Substation (Mount Pleasant Road and 260th) to the Vine Substation (11th and Vine Street).

Enclosed you will find the following documents:

1. Partial Release and Modification of Right of Way;
2. Exhibit "A" Easement Survey – showing the easement area on the Property;
3. Plat of the Southridge Estates subdivision;
4. Easement Agreement and Conveyance dated December 29, 1956, for two structures numbered 375 and 376; and
5. Exhibit showing route of the transmission line and structures numbered 375 and 376.

The easement for this transmission line was obtained by The Central Kansas Power Company in December 1956 and is a blanket type easement with no defined width. The existing transmission line was constructed in the late 1950's. Midwest is the successor in interest to The Central Kansas Power Company.



UTILIMAP CORPORATION

The plat for Southridge Estates dedicated the Property for use as a Public Recreation area. The plat was recorded on September 13, 1973. Pursuant to K.S.A. 12-406, recording of the plat with the Ellis County Register of Deeds vested title to the land in Ellis County. Ownership was transferred to the City when the Property was included within the corporate limits of Hays.

The Partial Release defines the width of the easement and modifies the terms and conditions of the easement. The terms and conditions of the easement are being updated so Midwest can satisfy requirements of the Federal Energy Regulatory Commission (FERC) and North American Electric Reliability Corporation (NERC). Defining the easement width and ensuring the right to maintain an easement without obstacles or encroachments which may interfere with or endanger the power lines are important factors in meeting the FERC/NERC requirements.

The existing transmission line was constructed with H-frame structures (2 poles with a horizontal cross arm). The December 1956 easement includes a limit of 2 structures. Midwest plans to rebuild the line with single wood poles. Rebuilding the line with single wood poles will result in more than 2 structures/poles being located in the area covered by the 1956 easement. The Partial Release addresses this issue. The Partial Release also provides that no poles, towers, or anchors will be located in the area dedicated for use as a public street.

The design work for rebuilding the transmission line is in the process of being completed. One pole with down guys will be located near the north side of the Property. Midwest hopes to start work rebuilding the transmission line this fall. The transmission line will be rebuilt between the South Hays Substation and a three pole structure located between Highway 40 and 8th Street. Plans for rebuilding the transmission line north of 8th Street are being developed and reviewed.

Please contact the undersigned if you have any questions.

Sincerely,

UTILIMAP CORPORATION

Michael Rump
Real Estate Manager
Office (816) 414-1183
Cell (913) 217-5558
Email mrump@utilimap.com

c: Midwest Energy, Inc.

159-389

EASEMENT AGREEMENT AND CONVEYANCE

THIS AGREEMENT, and Indenture, made this 29th day of December, 1936, by and between

Ellen Behan Miller, a widow, Eileen Johnson and Graham T. Johnson, her husband, Mary Kathryn Cramer and A.W. Cramer, her husband

part 23 of the first part, hereinafter called grantor (whether one or more), and The Central Kansas Power Company, a Kansas corporation, party of the second part, hereinafter called grantee.

WITNESSETH: Two Hundred Thirty-five (\$235.00) dollars, receipt of which is hereby acknowledged, and of the covenants and agreements hereinafter expressed, grantor does hereby grant, bargain, sell and convey to grantee, its successors and assigns, the right and easement to enter upon and to erect, construct, re-construct, operate and maintain poles, crossarms, wires, anchors, and appurtenances thereto, for the transmission and conveyance of electric energy and for communication purposes upon, over, along, through, and across the following lands situated in the County of Ellis and State of Kansas, to-wit:

A tract of real estate situated in the Southeast Quarter (SE 1/4) of Section Three (3), Township Fourteen (14) South, Range Eighteen (18) West of the Sixth Principal Meridian.

2 - Structures - Numbered 375 and 376

The parties covenant and agree as follows:

The right-of-way for said transmission line shall run through and across said above described lands and shall be located and selected by the grantee so as to be a part of its continuous right-of-way for a transmission line in said county, and said right-of-way shall be finally established by the location of the transmission line on said premises. No part of said transmission line or any wire, poles, anchors or other appurtenances thereto shall be installed, erected or constructed within 200 feet of any existing dwelling house or within 100 feet of any barn, shed, garage, outbuilding or other permanent farm structure, or within 40 feet of any oil well or oil tank located upon the above described premises.

The grantee shall have and is hereby given the right to erect, construct, maintain and operate additional supporting structures for said transmission line on said premises as it may, from time to time, deem necessary or advisable; provided, however, that before erecting any additional structure or structure grantee shall pay grantor an additional consideration for such right and privilege of a sum of money to be computed on the same basis as the initial consideration paid heretofore.

The grantee shall have the right of ingress and egress to and from said transmission line right-of-way to survey, erect, construct, operate, maintain, inspect, repair, rebuild and repair said line, together with the right to replace, renew, reconstruct, reconstruct, upon, across, over or along said right-of-way, poles, wires, anchors, and appurtenances thereto, and the right to remove at any time any or all of said installations or appurtenances; and the grantee may erect, maintain and use gates in all fences which now or may hereafter cross the route of said transmission line, and may trim and/or cut and clear away any tree limbs and brush whenever in its judgment the same will interfere with or endanger the construction, operation or maintenance of said transmission line. In exercising its rights of ingress and egress the grantee shall, whenever practicable, use existing roads or lanes, and shall repair any damage caused by its use thereof. If the grantee shall cut or remove trees under the rights hereby granted, it is agreed that if such trees shall be valuable for either timber or wood, they shall continue to be the property of the grantor, but all tops, limbs and brush shall be burned or removed by the grantee.

The grantor, their heirs or assigns, may cultivate and fully use and enjoy the land under said transmission line, provided the same shall not be used in any way that will interfere with or endanger the construction, reconstruction, operation or maintenance of said transmission line.

The grantee, its successors or assigns, agrees to pay for any reasonable damage caused to growing crops or fences from the construction, reconstruction, operation or maintenance of said transmission line, said damages if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one to be appointed by the grantor, their heirs or assigns, one by the said grantee, its successors or assigns, and the third by the two so appointed as aforesaid, and the award of the three such persons shall be final and conclusive and no action shall be brought or maintained for damages until the amount thereof shall have been determined as above provided.

This easement conveyance shall run with the land and shall be binding upon the grantor, their heirs, devisees, executors, administrators and assigns.

TO HAVE AND TO HOLD THE SAME, together with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, unto the said Central Kansas Power Company, a corporation, and unto its successors and assigns, for so long as said grantee shall use, operate and maintain its transmission line upon, over, through and across said above described real estate. And in the event grantee, its successors or assigns, shall completely abandon and cease to use, operate and maintain said transmission line upon, over, through and across said premises, the right-of-way and easement therefor, together with all rights and interests of grantor hereunder, shall cease and terminate and the right-of-way shall revert to grantor, their heirs, devisees and assigns, forever. Provided, however, that all structures, installations, equipment and other appurtenances placed and erected on said premises by grantee shall remain the property of grantee, its successors or assigns, and grantee, its successor or assigns shall have the right to remove same from said premises upon the abandonment of said transmission line.

Signed this 29 day of December, 1936

Ellen Behan Miller
Mary Kathryn Cramer
A.W. Cramer

Eileen Johnson
Graham T. Johnson

STATE OF Kansas } ss. ACKNOWLEDGMENT FOR INDIVIDUAL
 COUNTY OF Ellis }
 Before me, the undersigned, a Notary Public, within and for said county and State, on this 5th
 day of January, 1957, personally appeared Ellen Behan Miller, a widow
 and

to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me
 that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.
 My commission expires H. D. La Rue - Notary Public for
State of Kansas, County of Ellis.
My Commission Expires Nov. 22, 1958 H. D. La Rue Notary Public

STATE OF Texas } ss. ACKNOWLEDGMENT FOR INDIVIDUAL
 COUNTY OF Waller }
 Before me, the undersigned, a Notary Public, within and for said county and State, on this 31st
 day of December, 1956, personally appeared Eileen Johnson
 and Graham T. Johnson, her husband

to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me
 that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.
 My commission expires 6-1-57 J. M. Clellan Notary Public

STATE OF California } ss. ACKNOWLEDGMENT FOR INDIVIDUAL
 COUNTY OF Santa Clara }
 Before me, the undersigned, a Notary Public, within and for said county and State, on this 27
 day of December, 1956, personally appeared Mary Kathryn Cramer
 and Mr. Cramer, her husband

to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me
 that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.
 My commission expires Jan. 8, 1957 Henry T. Young Notary Public

STATE OF _____ } ss. ACKNOWLEDGMENT FOR CORPORATION
 COUNTY OF _____ }
 Be it remembered that on this _____ day of _____, 19____, before me, the undersigned, a
 Notary Public, duly commissioned, in and for the county and state aforesaid, came _____
 _____ president of _____
 a corporation of the State of _____, personally known to me to be such officer, and to be
 the same person who executed as such officer the foregoing instrument of writing in behalf of said corporation, and he duly ac-
 knowledged the execution of the same for himself and for said corporation for the uses and purposes therein set forth.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.
 My commission expires _____ Notary Public

NOTE: When signature by mark in Kansas, said mark to be witnessed by at least one person and also acknowledged.
 For acknowledgment by mark, use regular Kansas acknowledgment.

No. _____

Easement Agreement And Conveyance

FROM _____

TO

The Central Kansas Power Company, a corporation

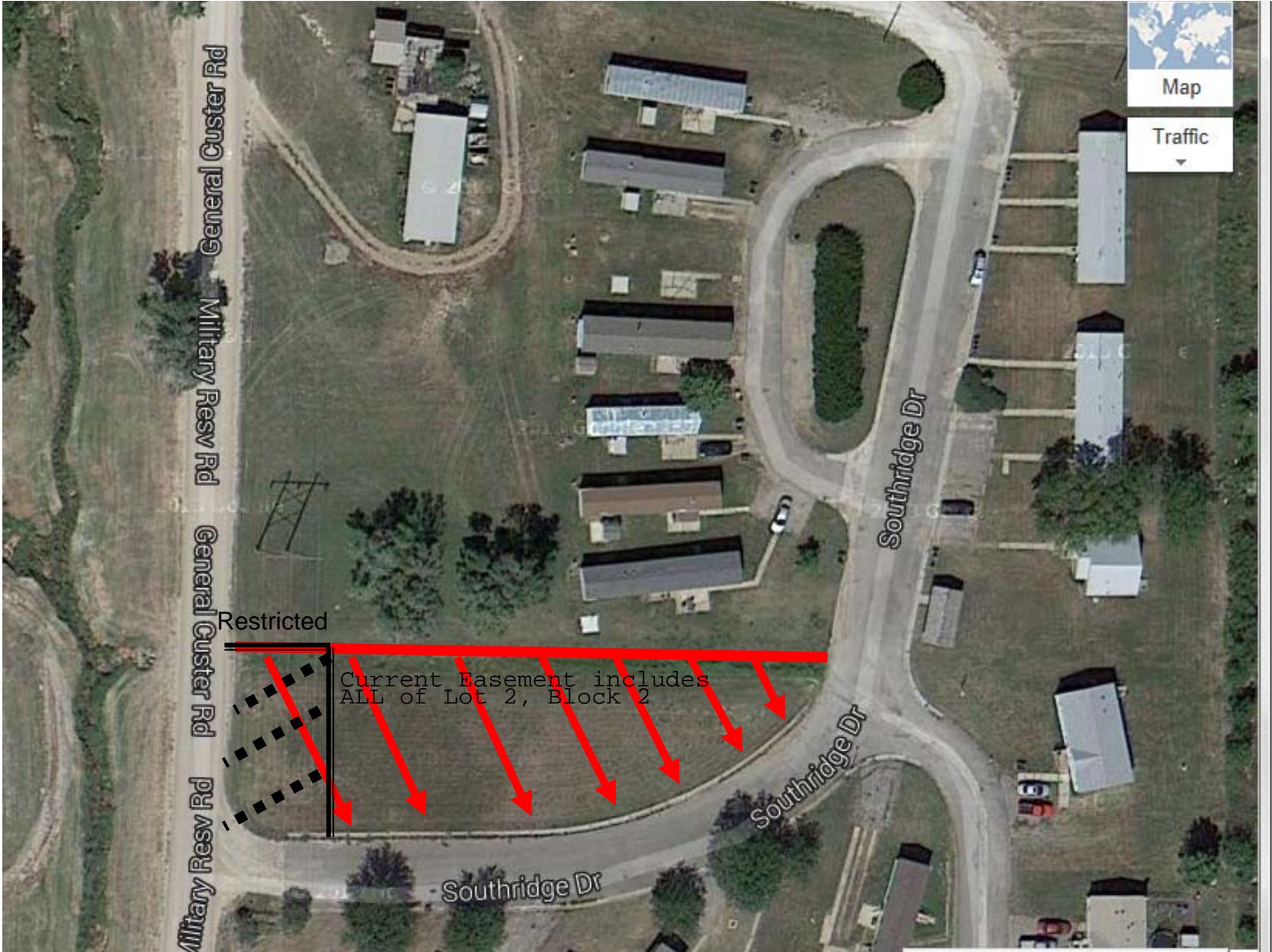
Section _____ Range _____ Township _____ County _____ State of _____

DATE

STATE OF Kansas }
 County of Ellis }
 This instrument was filed for record on the
5 day of January, 1957
 at 11:01 o'clock A.M., and duly recorded
 in Book 159 Page 389 of
 the records of this office.
W. R. Daniels
 Register of Deeds.
 2-65
 By _____
 When recorded, return to _____



Current easement includes all of 1590 which is Lot 2, Block 2 of the Southridge Addition.



PARTIAL RELEASE AND MODIFICATION OF RIGHT OF WAY

THIS PARTIAL RELEASE AND MODIFICATION OF RIGHT OF WAY (“Partial Release and Modification”) is made effective as of _____, 2014, by and between the City of Hays, Kansas, a municipal corporation (“Grantor”) and Midwest Energy, Inc., 1330 Canterbury Road, P.O. Box 898, Hays, KS 67601-0898 (“Grantee”).

WITNESSETH:

In consideration of the mutual covenants and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor and Grantee hereby agree as follows:

Grantor, owns or controls (subject to easements and encumbrances of record) the property described in this Partial Release and Modification by virtue of a plat for the Southridge Estates Addition, filed in the office of the Register of Deeds for Ellis County, Kansas on September 13, 1976, and recorded in Book 2A, Page 33, and Grantee, as successor in interest of The Central Kansas Power Company, as the owner of an easement by virtue of an Easement Agreement and Conveyance, dated December 29, 1956 and recorded in the office of the Register of Deeds for Ellis County, Kansas, in Book 159, Page 389 (hereinafter the “Originally Granted Easement”), covering the following described real estate in Ellis County, Kansas:

A tract of land in the Southeast Quarter (SE/4) of Section Three (3), Township 14 South, Range 18 West of the 6th P.m., more particularly described as Lot Two (2), Block Two (2), SOUTHRIDGE ESTATES ADDITION to Ellis County, Kansas and that portion of said plat dedicating Southridge Drive for use as a public street.

Subject to the conditions herein contained, Grantee does hereby disclaim, release and surrender all its right, title and interest in and to the Originally Granted Easement insofar and only with respect to the real estate described above:

Except and reserving unto Grantee, a strip of land 100 feet in width across a tract of land in Section 3, Township 14 South, Range 18 West of the 6th P.M., Ellis County, Kansas, more particularly described as follows:

See Exhibit “A” Easement Survey attached hereto and made part of this Release and Modification by reference, which sets forth the legal description for the easement area being reserved and retained by Grantee.

That part of the real estate encumbered by the Originally Granted Easement, and upon or across which the easement has not been released hereby, is referred to as the “Retained Easement” and as to the Retained Easement all rights and interest of Grantee shall remain in full force and effect as amended below.

In consideration of the above described partial release, Grantor hereby acknowledges and agrees that the rights, as stated in the Originally Granted Easement shall be modified as follows:

1. Grantee, its employees, lessees, successors and assigns, shall have the irrevocable right and perpetual easement to enter upon and to survey, erect, construct, reconstruct, alter, maintain, inspect, patrol, repair, and remove poles, towers, wires, anchors, underground conduit and appurtenances thereto, for the transmission and conveyance of electric energy and for Grantee’s communication purposes over, across and under the Retained Easement; provided, however, that no poles, towers, or anchors shall be erected or located upon that portion of the above described land dedicated for use as a public street and any wires and appurtenances thereto shall only overhang said right of way.
2. Grantee shall have the right of ingress and egress to and from said land to survey, erect, construct, reconstruct, alter, maintain, inspect, patrol, repair and remove its lines, together with the right to replace, renew, and relocate upon, over, under and across the Retained Easement all poles, towers, wires, anchors, underground conduit, and appurtenances thereto, and the right to remove any or all of said installations or appurtenances. Grantee may erect, maintain and use gates in all fences which cross or shall hereinafter cross the route of said lines. Grantee may trim, cut, clear away and remove any trees, limbs and brush on the Retained Easement now or at any future time. Grantee shall have the further right to trim, cut, clear away and remove any trees, limbs, and brush on lands adjacent to the Retained Easement whenever in its judgment such will interfere with or endanger the construction, operation or maintenance of said lines. All logs, limbs and brush cut or trimmed by Grantee shall be removed by Grantee. In exercising its rights of ingress and egress Grantee shall, whenever practicable, use existing roads or lanes, and shall repair any damage caused by its use thereof.

3. Grantor, or its successors or assigns, may cultivate, use and enjoy the above described land, provided such use shall not in the judgment of Grantee, interfere with or endanger the construction, operation or maintenance of said wires. Notwithstanding the foregoing, without the written consent of Grantee, no transmission line, pipe line, or other structure or obstruction will be permitted on the Retained Easement which interferes or might interfere with Grantee's services or endanger its facilities; nor shall any excavation or re-grading of the surface be made by Grantor, their tenants, grantees, heirs, successors and assigns, on the Retained Easement used by Grantee. No buildings or structures will be erected or permitted on said right of way and easement.

4. Grantee, its successors or assigns, agrees to restore the Retained Easement to substantially the same condition as it was prior to this Partial Release and Modification and/or to pay for any reasonable permanent damage caused to land, fences, machinery or other personal property of Grantor, caused from the construction, reconstruction, operation or maintenance of said lines.

This Partial Release and Modification shall run with the land and shall be binding upon the successors and assigns of Grantor.

TO HAVE AND TO HOLD THE SAME, together with all appurtenances, necessary incidents and immunities thereunto belonging or in any manner appertaining unto Grantee and unto its successors and assigns, forever.

IN WITNESS WHEREOF, the parties hereto have caused this Partial Release and Modification of Right of Way to be duly executed as of the day and year acknowledged below.

Grantor
City of Hays, Kansas

By _____

Name _____

Title _____

Grantee
Midwest Energy, Inc.

By _____

Name _____

Title _____

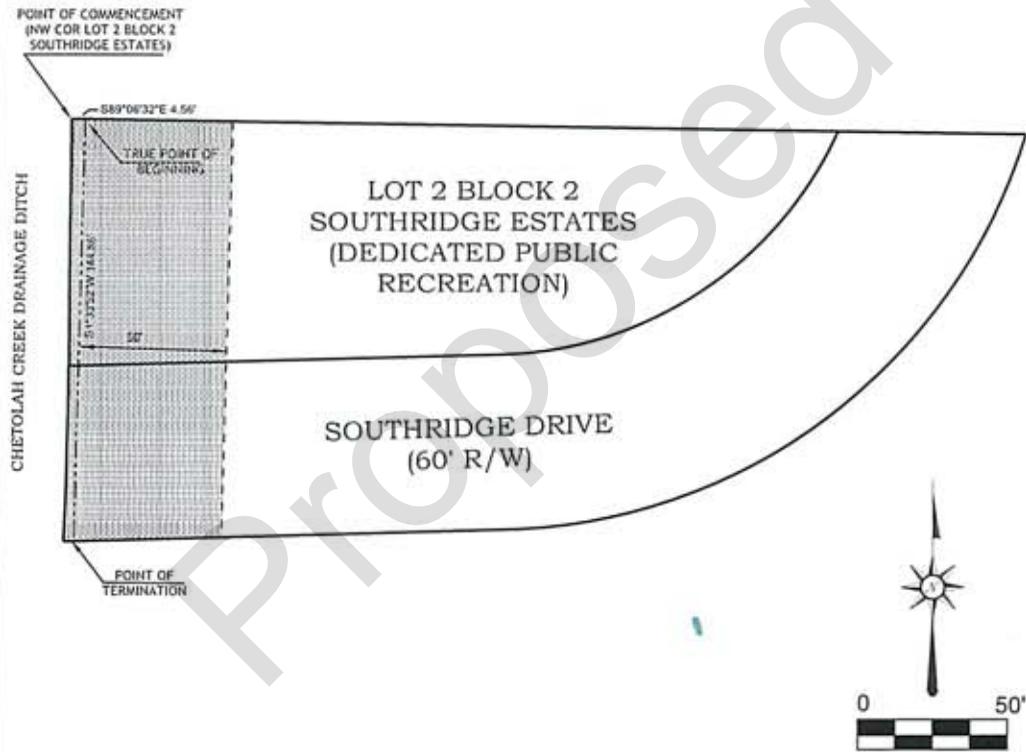
Proposed

Exhibit "A" Easement Survey

DESCRIPTION:

A 100.0' wide easement being a part of Lot 2, Block 2, SOUTHRIDGE ESTATES, a subdivision in Ellis County, Kansas and Southridge Drive, a street dedicated to public use on plat of SOUTHRIDGE ESTATES, a subdivision in Ellis County, Kansas, the centerline of which is more particularly described as follows: Commencing at the NW Corner of said Lot 2, Block 2, SOUTHRIDGE ESTATES; Thence S89°06'32"E along the North line of said Lot 2 Block 2 a distance of 4.56' to the TRUE POINT OF BEGINNING; Thence S01°33'52"W a distance of 144.86' to the POINT OF TERMINATION, EXCEPT that part in Chetolah Creek Drainage Ditch.

Said area contains 7716.34 square feet or 0.177 Acres more or less.



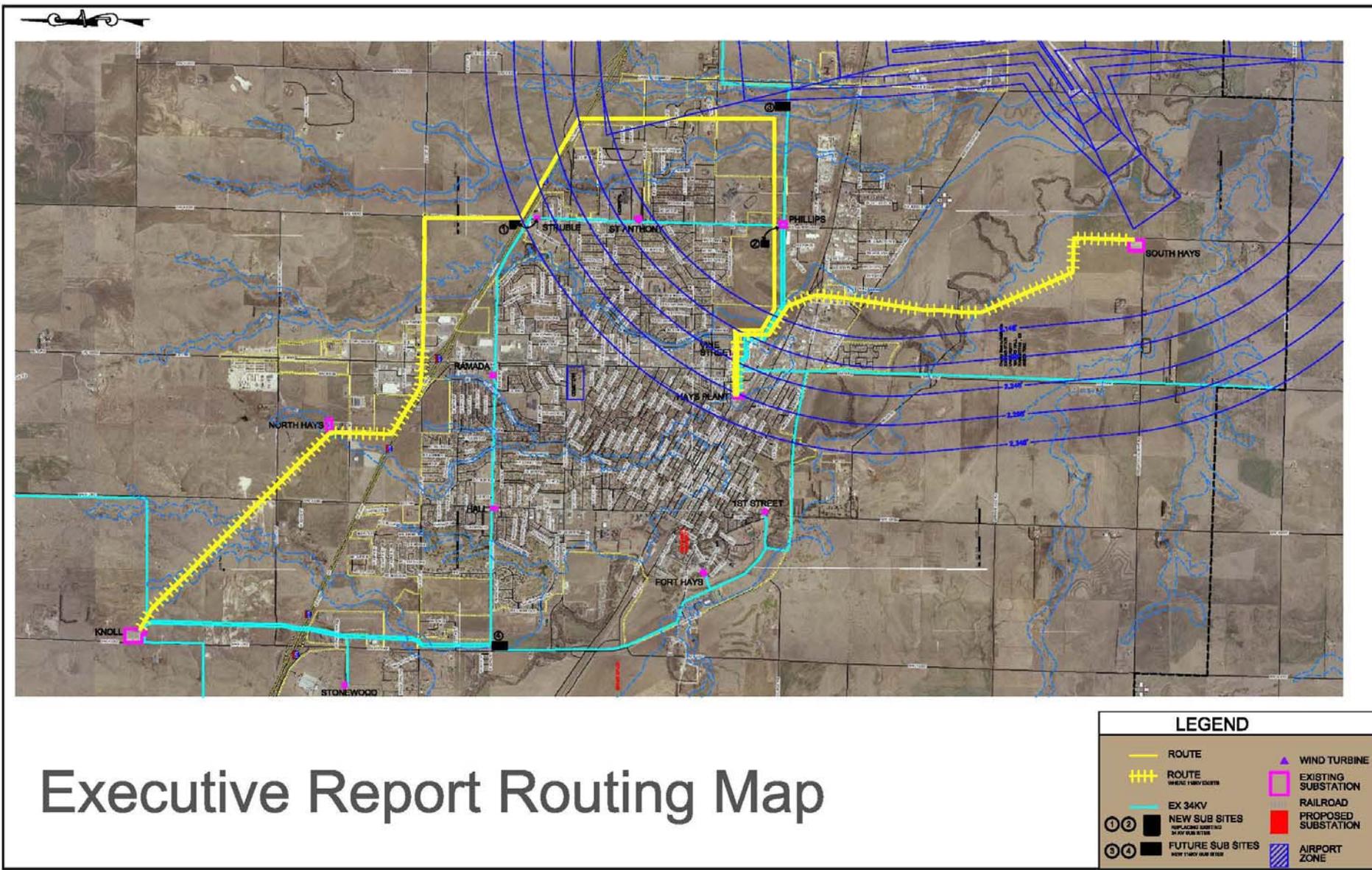
SE 1/4 of Sec. 3 Twp. 14 Rng. 18

I hereby certify that this Certificate of Survey is based on an actual survey. This survey was done by me or under my direct supervision and meets or exceeds the current Kansas Minimum Standards for Property Boundary Surveys, to the best of my professional knowledge, information and belief.

Client: Midwest Energy

Project No: **\$JOB**
 DATE: 9-17-2013
 SCALE: 50 Ft./In
 Title Company: N/A
 Commitment No.: N/A

Region Land Survey Inc.
 202 NW 12th Street
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Executive Report Routing Map

| LEGEND | |
|--------|---|
| | ROUTE |
| | ROUTE WITH MANY CURVES |
| | EX 34KV |
| | NEW SUB SITES REPLACED IDENTIFIED BY FUTURE SITES |
| | FUTURE SUB SITES NOT TO BEYOND 2010 |
| | WIND TURBINE |
| | EXISTING SUBSTATION |
| | RAILROAD PROPOSED SUBSTATION |
| | AIRPORT ZONE |

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 8

MEETING DATE: 9-25-14

TOPIC:

2014 Uniform Public Offense Code for Kansas Cities

ACTION REQUESTED:

Approve Ordinance No. 3888 adopting the 2014 version of the Uniform Public Offense Code for Kansas Cities for use within the City of Hays.

NARRATIVE:

The League of Kansas Municipalities publishes a revised Uniformed Public Offense Code (UPOC) on a yearly basis. The UPOC contains the most current legislative changes and updates. The majority of the UPOC remain the same from year to year, with only a few changes made. A handout has been prepared noting the additions and/or changes.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
Don Scheibler, Chief of Police

ADMINISTRATION RECOMMENDATION:

Approve the ordinance as prepared by City Attorney John Bird.

COMMITTEE RECOMMENDATION(S):

NA

ATTACHMENTS:

Staff Memo
2014 UPOC Revisions Summary
Ordinance No. 3888 adopting the 2014 UPOC as prepared by City Attorney John Bird

Commission Work Session Agenda

Memo

From: Don Scheibler, Police Chief
Brian Dawson, Assistant Chief of Police

Work Session: September 18, 2014

Subject: 2014 Uniform Public Offense Code
2014 Standard Traffic Ordinance

Person(s) Responsible: Don Scheibler, Police Chief
Brian Dawson, Assistant Chief of Police

Summary

The Hays City Commission is being asked to adopt by ordinance, the updated 2014 Uniform Public Offense Code for Kansas Cities (UPOC) and the updated 2014 Standard Traffic Ordinance for Kansas Cities (STO) for use within the City of Hays. The ordinances and any changes to the UPOC and the STO are presented to the Commission annually. It is the recommendation of city staff that the Commission approve the ordinances adopting the 2014 revised UPOC and STO.

Background

The League of Kansas Municipalities (LKM) publishes a revised version of the Uniform Public Offense Code for Kansas Cities (UPOC) and the Standard Traffic Ordinance for Kansas Cities (STO) on a yearly basis. These publications are made available for purchase by municipalities. The municipalities may adopt these two sets of ordinances for their use. These ordinances contain the most current legislative changes and updates put into place annually by the Kansas Legislature.

Discussion

Normally, the majority of the Uniform Public Offense Code (UPOC) and Standard Traffic Ordinances (STO) remain the same from year to year, with only a few changes being made. This year there was an increase in the number of sections that were changed or amended. The majority of the changes to the UPOC were created by the recodification of the state criminal code that occurred in 2011. This was the first major recodification of Kansas criminal law since 1969. The goal was to reorganize the statutes, to place them in a more user-friendly order, revise the statutory language to add clarity, and combine statutes to reduce their number. The League of Kansas Municipalities (LKM) chose to gradually incorporate these changes in the state criminal code to the UPOC, and the

2014 edition reflects all of the changes made by the Legislature in the 2011 recodification.

The passing of House Bill 2578, the firearms bill, did cause several sections of the UPOC to be amended. Those changes are listed below:

Section 10.1.1 – Criminal Carrying of a Weapon

Subsections (a)(4) and (a)(5) were deleted from this section, because cities can no longer charge individuals for open carrying a firearm or transporting a loaded firearm in a vehicle.

Section 10.3 – Criminal Distribution of Firearms to a Felon

The name of this section was changed from Criminal Disposal of Firearm to Criminal Distribution of Firearms to a Felon. The section was reformatted but primarily remained the same.

Section 10.3.1 – Criminal Possession of a Firearm

This section was deleted. The offenses charged in this section 1) possession of a firearm by a person addicted to a controlled substance, 2) possession of a firearm on school property, and 3) refusing to surrender or remove a firearm from school property, were combined with Section 10.1 – Criminal Use of a Weapon.

Section 10.4 – Confiscation, Disposition of Weapons

While HB 2578 did not change the wording of Section 10.4, the bill did significantly change this section because confiscated weapons can no longer be destroyed unless they are in poor condition. The weapons must be forfeited to 1) the law enforcement agency, 2) the Kansas Bureau of Investigations, 3) a regional forensic center, or 4) the Kansas Department of Wildlife, Parks, and Tourism. The law enforcement agencies that seize the weapon may keep it for department use or sell it to a properly licensed federal firearms dealer. The Hays Police Department may be able to use these funds to purchase new equipment at no cost to the City.

There were few amendments to the state traffic statutes in 2014, and most of the changes to the STO are small in nature.

A handout has been prepared by staff noting the additions and/or changes to the UPOC and STO. A handout prepared by Ed Klumpp, Legislative Director for the Kansas Association of Chiefs of Police, listing a brief summary of the changes is also included with the Commission packet.

Legal Consideration

Ordinances adopting the UPOC and the STO have been drafted by the City Attorney for Commission Approval. There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

There are no financial considerations other than staff hours incurred drafting these ordinances.

Options

The Commission has the following options for consideration.

1. Approve the ordinances adopting the 2014 revised UPOC and STO.
2. Not approve the ordinances adopting the 2014 revisions, with the continuation of the 2013/current UPOC and STO.

Recommendation

It is the recommendation of city staff that the Commission approve the ordinances adopting the 2014 revised versions of the Uniformed Public Offense Code and Standard Traffic Ordinances.

Action Requested

Approve the ordinances adopting the 2014 revised UPOC and STO

Supporting Documentation

Draft ordinances adopting the 2014 UPOC and STO for use in the City of Hays
List of additions or changes made in the 2014 UPOC and STO
HB 2578 Summary

2014 Uniform Public Offense Code Revisions

Prepared by Ed Klumpp.

Please report any errors or corrections to ed.klumpp@KSLawEnforcementInfo.com.

The following is a list providing the specifics of amendments made to the 2014 version of the Uniform Public Offense Code published by the Kansas League of Municipalities. The list was compiled after several inquiries from cities for the information and confirming the League did not have such a list available.

It appears the League has completed a thorough review of the UPOCs and their related state statutes resulting in a large number of minor and clean-up amendments to the UPOCs, in addition to the 2014 state law amendments. It also appears, many of the criminal code recodification amendments passed in 2010 and effective in 2011 were not incorporated into the UPOC until this 2014 edition. Most of the amendments are incorporating those changes.

This list has not been reviewed by nor sanctioned by the Kansas League of Municipalities.

Section 1.1 – Definitions

Body Piercing – Changes “by aid of needles or other instruments” to “by aid of needles” and changes “inserting jewelry or other objects in or through” to “inserting removable jewelry through” and changes “ear” in the exceptions to “earlobe” reflecting contents of KSA 65-1940 (g) amended in 2008.

Cereal Malt Beverage – Adds “or any flavored malt beverage, as defined in KSA 41-2729, and amendments thereto” reflecting contents of KSA 41-2701 (a) amended in 2006.

Cosmetic Tattooing – New definition reflecting contents of KSA 65-1940 (l) amended in 2008.

To Deprive Permanently – Completely rewritten to mirror KSA 21-5111 (f), except the “, it” on the first line of subsection (b) appears to be a typo as it is not in the KSA. Reflects contents of KSA 21-5111, amended in 2011.

Obtains or Exerts Control Over Property – Changes “or the sale” to “sale” making it the same as in KSA 21-5111 (r) reflecting contents of KSA 21-5111 amended in 2011.

Toxic Vapors – Changed subsections to (a) through (o) from (1) through (15). (From KSA 21-5712 which still uses (1) through (15).)

Section 1.2 – Liability for Offenses of Another

Revised reflecting contents of KSA 21-5210 amended in 2011.

Section 1.3 – Corporations: Criminal Responsibility; Individual Liability

Minor wording changes reflecting contents of KSA 21-5211 and KSA 21-5212, amended in 2011.

Section 3.1 – Battery

Changes the culpability from “intentionally” to “knowingly and recklessly” in subsection (a) and to “knowingly” in subsection (b) as provided in the current KSA 21-5413.

Section 3.2.1 – Sexual Battery

Amended reflecting contents of KSA 21-5505, amended in 2011.

Section 3.5 – Unlawful Interference with a Firefighter

Revised reflecting contents of KSA 21-6325 amended in 2011.

Section 3.7 – Mistreatment of Confined Person

Revised reflecting contents of KSA 21-5416 amended in 2011.

Section 3.8 – Violation of Protection from Abuse Order

Adds “and a violation of a protective order” at the end of subsection (a) reflecting contents of KSA 60-3107.

Section 3.9 – Criminal False Communication

Renamed from “Criminal Defamation” and revised reflecting contents of KSA 21-6103 amended in 2011.

Section 3.10 – Eavesdropping

Deleted (These provisions were combined with KSA 21-6101, Breach of Privacy, in 2011 which is still active and was not amended in 2014.) See Section 3.12.

Section 3.12 – Breach of Privacy

Added subsections (b), (c), and (d) reflecting contents of KSA 21-6101 amended in 2011.

Section 3.13 – Stalking

Deleted the reference to “KSA 21-3843, as amended, prior to its repeal or” from subsection (b) reflecting contents of KSA 21-5427 amended in 2011.

Section 5.1 – Contributing to a Child’s Misconduct or Deprivation

Added the culpability of “knowingly” to subsections (a)(1), (a)(2) and (a)(4); added the last four lines of subsection (a)(2); added the last three lines of subsection (b); added all of subsection (c) defining runaway reflecting contents of KSA 21-5603 amended in 2011.

Section 5.2 – Furnishing Alcoholic Liquor or Cereal Malt Beverage to a Minor

Adds culpability of “recklessly” in line two of subsection (a); changed “giving or furnishing” to “or distributing” in line three of subsection (a); replaces “contains” with “that reasonably appears to contain” on line six of subsection (c)(3); reorders the subsections reflecting contents of KSA 21-5607 amended in 2011.

Section 5.3 – Unlawfully Hosting Minors Consuming Alcoholic Liquor or CMB

Changes culpability from “intentionally or recklessly” to “recklessly” in line two of subsection (a) reflecting contents of KSA 21-5608 amended in 2011.

Section 5.4 – Endangering a Child

Changed culpability from “intentionally and unreasonably” to “knowingly and unreasonably” in lines one and two of subsection (a) reflecting contents of KSA 21-5601 amended in 2011.

Section 5.7 – Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor

Added “electronic cigarettes” to line seven of subsection (b)(2) and to line eleven of subsection (b)(3). NOTE: “electronic cigarettes” is not included in the defense provisions of KSA 79-3322, but it probably should be. NOTE 2: It is a smoking infraction for a person under the age of 18 to purchase or attempt to purchase or to possess or attempt to possess cigarettes, electronic cigarettes, or tobacco products which is not included in the UPOC and must be charged under KSA 79-3321 subsections (m) or (n).

Section 6.1 – Theft

Subsection (a) reworded reflecting contents of KSA 21-5801, amended in 2011 and 2013. Subsections renumbered.

Section 6.2 – Intent; Permanently Deprive

Subsections (a)(7) and (a)(8) and (d) added reflecting contents of KSA 21-5804, amended in 2011.

Section 6.6 – Criminal Damage to Property

Subsections (a)(1) and (a)(2) reworded reflecting contents of KSA 21-5813, amended in 2011.

Section 6.7 – Criminal Trespass

Subsection (a) reworded reflecting contents of KSA 21-5808, amended in 2011.

Section 6.7.1 – Trespassing on Railroad Property

Subsection (a) reworded and subsection (d) added reflecting contents of KSA 21-5809, amended in 2011.

Section 6.8 – Littering

Deleted in 2013 with comments about conflicts in KSA. Those comments are removed in the 2014 edition.

Section 6.9 – Tampering with a landmark

Reworded reflecting contents of KSA 21-5816, amended in 2011

Section 6.10 – Tampering with a Traffic Signal

Changes culpability term in first paragraph from “intentionally” to “knowingly” and adds second paragraph reflecting contents of KSA 21-5817, amended in 2011.

Section 6.11 – Unlawful Manufacture or Disposal of False Tokens

Nonsubstantive wording changes in the first two lines of subsection (a) reflecting contents of KSA 21-5829.

Section 6.16 – Giving a Worthless Check

Minor wording changes throughout and added subsections (c) and (e) reflecting contents of KSA 21-5821, amended in 2011.

Section 6.17 – Criminal Use of a Financial Card

Wording modified in subsection (a) and “communications services” struck in subsection (b)(1) reflecting contents of KSA 21-5828, amended in 2011. NOTE: “Services remains in the ordinance and state statute covering all types of services, including communication services.

Section 6.18 Motor Vehicle Dealers: Selling Motor Vehicles Without a License

Adds “vehicle crusher, vehicle recycler, rebuilder, scrap metal recycler, salvage vehicle pool” to the list of those requiring a DMV license reflecting contents of KSA 8-2434 amended in 2009.

Section 6.19 Equity Skimming

Wording changes reflecting changes to KSA 21-6504 made in 2011.

Section 6.20 Unlawful Acts Concerning Computers

Contents were rearranged with significant wording change in subsection (a)(1) and (a)(2) reflecting contents of KSA 21-5839 in 2011 and 2013.

Section 6.21 Taking Wildlife Without Permission on Land Posted “By Written Permission Only”

Title changed and the penalties paragraph at the end of the section is added reflecting contents of KSA 32-1013, amended in 2011.

Section 6.22 Criminal Hunting

Added culpability “knowingly” to subsection (a); made what was subsection (b) subsection (a)(3); combined two penalty subsections into subsection (b) reflecting contents of KSA 21-5810 amended in 2012.

Section 6.25 Unlawfully Buying Scrap Metal

Changed “scrap metal dealer” to “scrap metal dealer, or employee or agent of the dealer” in two places in subsection (a) reflecting contents of KSA 60-6,110.

Section 7.1 Compounding an Offense

Deleted. The UPOC section only had the provisions of subsection (a)(4) of KSA 21-5905, which are now found in subsection (a)(3) of section 7.4.

Section 7.2 – Interference with Law Enforcement

Added subsections (a)(2) and (b) reflecting contents of KSA 21-5904 amended in 2014 HB2655.

Section 7.3 – Escape from Custody

Added definitions for “juvenile offender” and “state correctional institution” from KSA 21-5911 as amended in 2011.

Section 7.4 – Interference with Judicial Process

Reworded to reflect amendments to KSA 21-5905 made in 2014 HB2448.

Section 7.10 – Falsely Signing a Petition

Added culpability of “knowingly” to subsection (a) reflecting contents of KSA 21-5916, amended in 2011.

Section 7.12 – Interference; Conduct, Public Business in Public Building

Culpability is changed from “intentionally” to “knowingly” in subsection (b), (c), (d), and (e) reflecting contents of KSA 21-5922, amended in 2011.

Section 7-14 – Electioneering

Added culpability of “knowingly” in subsection (a) reflecting contents of KSA 25-2430 amended in 2011.

Section 9.1 – Disorderly Conduct

Subsection (a) reworded and added subsection (c) reflecting contents of KSA 21-6203, amended in 2011.

Section 9.2 – Unlawful Assembly; Remaining at an Unlawful Assembly

Changed subsection (a) and changed culpability term in subsection (b) from “willingly” to “intentionally” reflecting contents of KSA 21-6202, amended in 2011.

Section 9.4 – Riot

Reworded reflecting contents of KSA 21-6201, amended in 2011.

Section 9.7 – Giving False Alarm

Adds an editor’s note about related changes made to KSA 21-6207 in 2014 HB2655 making some acts of giving a false alarm a felony.

Section 9.8 – Criminal Desecration

Adds culpability term “knowingly” to subsection (a) and “recklessly” to subsection (b) reflecting contents of KSA 21-6205, amended in 2011.

Section 9.10 – Harassment by Telecommunications Device

Added subsection (c) allowing offenders to be charged with and convicted of this crime and also with violating section 11.1 and 11.2 if appropriate, reflecting contents of KSA 21-6206 amended in 2011.

Section 9.11 – Unlawful Public Demonstration at a Funeral

Minor wording changes to title and subsection (a) reflecting contents of KSA 21-6106, amended in 2011. No substantive change.

Section 9.13 – Unlawful Posting of Political Pictures and Political Advertisements

Added culpability term of “knowingly” reflecting contents of KSA 21-5820, amended in 2011.

Section 10.1 – Criminal Use of Weapons

Struck “whether the person knows or has reason to know the length of the barrel” from subsection (a)(10) and added “or at another private range with permission of such person’s parent or legal guardian” to subsection (f)(2) reflecting contents of KSA 21-6301 amended in 2014 HB2578.

Section 10.1.1 – Criminal Carrying of a Weapon

Struck subsections (a)(4) and (a)(5) regarding firearms restrictions in compliance with 2014 HB2578 prohibiting local ordinance or regulation of the manner firearms are carried.

Section 10.3 – Criminal Disposal of Firearms

Changed to reflect contents of KSA 21-6303, amended in 2011. Note subsections (a) and (b) from the 2013 version are deleted, but they are found in section 10.1 subsection (a)(4) and (a)(5).

Section 10.3.1 – Criminal Possession of a Firearm

Deleted in compliance with 2014 HB2578 prohibiting local ordinance or regulation of the manner firearms are carried.

Section 10.4 – Confiscation, Disposition of Weapons

NOTE: This section was not amended, however it probably should have been. It is based on KSA 21-6307 which was repealed by 2014 HB2578. It was replaced by new provisions in 2014 HB2578§13 amending KSA 22-2512, see subsections (c), (d), (e) and (f).

Section 10.11 – Creating a Hazard

Adds culpability term “recklessly” to subsection (a) reflecting contents of KSA 21-6318, amended in 2011.

Section 10.12 – Unlawful Failure to Report a Wound

Adds “with no requirement of a culpable mental state” to subsection (a) reflecting contents of KSA 21-6319, amended in 2011.

Section 10.14 – Operation of a Motorboat or Sailboat

Adds exemption at end of subsection (a) for any person age 21 or older, reflecting contents of KSA 32-1139, amended in 2000.

Section 10.15 – Operating a Vessel Under the Influence of Alcohol or Drugs; Penalties

Change to title (“Intoxicating Liquor” to “Alcohol”) is only change I could find.

Section 10.16 – Throwing Objects

Reworded to reflect contents of KSA 21-5819, amended in 2011.

Section 10.17 – Tattooing or Body Piercing; Persons Under Age 18

Added term “cosmetic tattooing” in several places reflecting contents of KSA 65-1953, amended in 2008.

Section 10.20 – Unlawfully Obtaining a Prescription Only Drug

Adds “with intent to deceive” to subsection (a)(5) and amends the definition of “prescription order” in subsection (c) to reflect contents of KSA 21-5708, amended in 2012.

Section 10.22 – Alcohol Without Liquid Machine

Adds culpability term “knowingly” to subsection (a) reflecting contents of KSA 21-6321, amended in 2011.

Section 10.24 – Smoking Prohibited

Listed as amended but no changes were made.

Section 11.1 – Obscenity

Wording changes in subsections (a)(1), (a)(2), and (a)(3); adds “or obscene device” to the second line of subsection (d)(1); adds a recognizance provision at the end of the section reflecting contents of KSA 21-6401, amended in 2011.

Section 11.2 – Promoting Obscenity to Minors

Wording changes reflecting contents of KSA 21-6401, amended in 2011.

Section 11.7 – Material Harmful to Minors

Rewording of subsection (e) reflecting contents of KSA 21-6402, amended in 2011.

Section 11.8 – Gambling

Rewording of subsections (c) and (d)(1) reflecting contents of KSA 21-6403 and KSA 21-6404, amended in 2011.

Section 11.9 – Commercial Gambling

Changes culpability from “intentionally” to “knowingly” reflecting contents of KSA 21-6406, amended in 2011.

Section 11.10 – Possession of a Gambling Device

Reworded reflecting contents of KSA 21-6408, amended in 2011.

Section 11.11 – Cruelty to Animals (Listed as 11.1 on page 133 of UPOC book)

Reworded reflecting contents of KSA 21-6412 amended in 2011 and 2012.

Section 11.12 – Cockfighting

Adds “with intent to use in the unlawful conduct of cockfighting” to subsection (a); adds “whether or not the person knows or has reason to know that cockfighting is occurring on the premises” to subsection (b); adds subsection (c) reflecting contents of KSA 21-6417, amended in 2011.

ORDINANCE NO. 3888

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYS, KANSAS, INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2014, AND REPEALING ORDINANCE NO. 3870 OF THE CODE OF ORDINANCES OF THE CITY OF HAYS, KANSAS, AS PASSED ON SEPTEMBER 12, 2013, AND AS PUBLISHED ON SEPTEMBER 16, 2013.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Hays, Kansas, that certain code known as the Uniform Public Offense Code, Edition of 2014, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts of portions as are hereafter omitted, deleted, modified or changed (words added appear in italics, words deleted appear as strikethrough):

1. Section 1.1: Section 1.1 of said Uniform Public Offense Code is hereby changed to read as follows:

Body Piercing. Puncturing the skin of a person by aid of needles designed or used to puncture the skin for the purpose of inserting removable jewelry through the human body, except puncturing the external part of the human earlobe shall not be included in this definition.

Cereal Malt Beverage. Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. 41-2729, and amendments thereto, but does not include any such liquor which is more than 3.2% alcohol by weight.

Cosmetic Tattooing. The process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin, by use of a needle, so as to form indelible marks for cosmetic or figurative purposes.

Deception. Knowingly creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind. Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that such person did not subsequently perform the promise. Falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive reasonable persons, is not deception.

Gamecock. A domesticated fowl that is bred, reared or trained for the purpose of fighting with other fowl.

Identification Document. Any card, certificate or document or banking instrument including, but not limited to, credit or debit card, which identifies or purports to identify the bearer of such document, whether or not intended for use as identification, and includes, but is not limited to, documents purporting to be drivers' licenses, nondrivers' identification cards, certified copies of birth, death, marriage and divorce certificates, social security cards and employee identification cards.

Obtains or Exerts Control Over Property. Includes but is not limited to, the taking, carrying away, sale, conveyance, transfer of title to, interest in, or possession of property.

Regulated Scrap Metal. Means wires, cable, bars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, junk vehicles, vehicle parts, pipes, or connectors made from aluminum; catalytic converters containing platinum, palladium, or rhodium; and copper, titanium, tungsten, stainless steel and nickel in any form; for which the purchase price was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium, stainless steel, or rhodium; any item composed in whole or in part of any nonferrous metal other than an item composed of tin, that is purchased or otherwise acquired for the purpose of recycling or storage for later recycling. Aluminum shall not include food or beverage containers.

Tattooing. The process by which the skin is marked or colored by insertion of nontoxic dyes or pigments by use of a needle into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

2. Section 1.2: Section 1.2 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) A person is criminally responsible for an offense committed by another if such person, acting with the mental culpability required for the commission thereof, advises, hires, counsels or procures the other to commit the offense or intentionally aids the other in committing the conduct constituting the offense.

(b) A person liable under subsection (a) is also liable for any other offense committed in pursuance of the intended offense if reasonably foreseeable by such person as a probable consequence of committing or attempting to commit the crime intended.

(c) A person liable under this section may be charged with and convicted of the offense although the person alleged to have directly committed the act constituting the offense

- (1) Lacked criminal or legal capacity;
- (2) has not been convicted;
- (3) has been acquitted; or
- (4) has been convicted of some other degree of the offense or of some other offense based on the same act. (K.S.A. Supp. 21-5210)

3. Section 1.3: Section 1.3 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Corporations; Criminal Responsibility.

- (1) A corporation is criminally responsible for acts committed by its agents when acting within the scope of their authority.
- (2) Agent means any director, officer, servant, employee or other person who is authorized to act on behalf of the corporation.

(b) Individual Liability for Corporate Offenses.

- (1) An individual who performs public offenses, or causes such acts to be performed, in the name of or on behalf of a corporation is legally responsible to the same extent as if such acts were in the person's own name or on the person's own behalf.
- (2) An individual who has been convicted of an offense based on conduct performed by such individual for and on behalf of a corporation is subject to punishment as an individual upon conviction of such offense, although a lesser or different punishment is authorized for the corporation. (K.S.A. Supp. 21-5211:5212)

4. Section 3.1: Section 3.1 of said Uniform Public Offense Code is hereby changed to read as follows:

Battery is:

- (a) Knowingly or recklessly causing bodily harm to another person; or
- (b) Knowingly causing physical contact with another person when done in a rude, insulting or angry manner. (K.S.A. Supp. 21-5413)

Battery is a Class B violation.

5. Section 3.2.1: Section 3.2.1 of said Uniform Public Offense Code is hereby changed to read as follows:

Sexual battery is the touching of a victim who is not the spouse of the offender, who is 16 or more years of age, and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another. (K.S.A. Supp. 21-5505)

Sexual battery is a Class A violation.

6. Section 3.5: Section 3.5 of said Uniform Public Offense Code is hereby changed to read as follows:

Unlawful interference with a firefighter is knowingly:

(a) Interfering with any firefighter while engaged in the performance of such firefighter's duties; or

(b) Obstructing, interfering with or impeding the efforts of any firefighter to reach the location of a fire or other emergency. (K.S.A. Supp. 21-6325)

Unlawful interference with a fire fighter is a Class B person violation.

A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for assault or battery.

7. Section 3.7: Section 3.7 of said Uniform Public Offense Code is hereby changed to read as follows:

Mistreatment of a confined person is knowingly abusing, neglecting or ill-treating any person, who is detained or confined by any law enforcement officer or by any person in charge of or employed by the owner or operator of any correctional institution.

Mistreatment of a confined person is a Class A violation. (K.S.A. Supp. 21-5416)

8. Section 3.8: Section 3.8 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) If a person enters or remains on the premises or property violating an order issued pursuant to K.S.A. Supp. 60-3107(a)(2), and amendments thereto, such violation shall constitute criminal trespass and violation of a protective order.

(b) If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to K.S.A. Supp. 60-3107(a)(1), and amendments thereto, such violation may constitute assault, battery, or domestic battery and violation of a protective order. (K.S.A. Supp. 60-3107)

9. Section 3.9: Section 3.9 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Criminal false communication is:

(1) Communicating to any person, by any means, information that the person communicating such information knows to be false that will tend to:

(A) Expose another living person to public hatred, contempt or ridicule;

(B) Deprive such person of the benefits of public confidence and social acceptance; or

(C) Degrade and vilify the memory of one who is dead and to scandalize or provoke surviving relatives and friends; or

(2) Recklessly making, circulating or causing to be circulated any false report, statement or rumor with intent to injure the financial standing or reputation of any bank, financial or business institution or the financial standing of any individual in this state.

(b) In all prosecutions under this section the truth of the information communicated shall be admitted as evidence. It shall be a defense to a charge of criminal false communication if it is found that such matter was true. (K.S.A. Supp. 21-6103)

Criminal false communication is a Class A violation.

10. Section 3.10: Section 3.10 of said Uniform Public Offense Code relating to eavesdropping is hereby declared to be and is omitted and deleted.

11. Section 3.12: Section 3.12 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Breach of privacy is knowingly and without lawful authority:

- (1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;
- (2) Divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting it;
- (3) Entering with intent to listen surreptitiously to private conversation in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;
- (4) Installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of the person or persons entitled to privacy therein; or
- (5) Installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication. (K.S.A. Supp. 21-6101)

(b) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.

(c) The provisions of this section shall not apply to an operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is incident to the rendition of public utility service or to the protection of the rights of property of such public utility.

(d) As used in this section, "private place" means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance.

Breach of privacy, as defined in this section, is a Class A violation.

12. Section 3.13: Section 3.13 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Stalking is:

- (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear;
- (2) Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family;
or

(b) For the purposes of this section, a person served with a protective order as defined by K.S.A. 21-3843, prior to its repeal or K.S.A. 21-5924, and amendments thereto, or a person who engaged in acts which would constitute stalking, after having been advised by a law enforcement officer, that such person's actions were in violation of this section, shall be presumed to have acted knowingly as to any like future act targeted at the specific person or persons named in the order or as advised by the officer.

(c) In a criminal proceeding under this section, a person claiming an exemption, exception, or exclusion has the burden of going forward with evidence of the claim.

(d) The present incarceration of a person alleged to be violating this section shall not be a bar to prosecution under this section.

(e) As used in this section:

- (1) **Course of Conduct** means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof:

(A) Threatening the safety of the targeted person or a member of such person's immediate family.

(B) Following, approaching, or confronting the targeted person or a member of such person's immediate family.

(C) Appearing in proximity to or entering the targeted person's residence, place of employment, school, or other place where such person can be found, or the residence, place of employment, or school of a member of such person's immediate family.

(D) Causing damage to the targeted person's residence or property or that of a member of such person's immediate family.

- (E) Placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person.
- (F) Causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family.
- (G) Any act of communication.
- (2) **Communication** means to impart a message by any method of transmission, including, but not limited to: Telephoning, personally delivering, sending or having delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, including electronic transmissions generated or communicated via a computer.
- (3) **Computer** means a programmable, electronic device capable of accepting and processing data.
- (4) **Conviction** includes being convicted of a violation of this section or being convicted of a law of another state which prohibits the acts that this section prohibits.
- (5) **Immediate Family** means father, mother, stepparent, child, stepchild, sibling, spouse, or grandparent of the targeted person; any person residing in the household of the targeted person; or any person involved in an intimate relationship with the targeted person. (K.S.A. Supp. 21-5427)

Upon a first conviction, stalking as described in subsection (a) is a Class A violation.

13. Section 5.1: Section 5.1 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Contributing to a child's misconduct or deprivation is:
 - (1) Knowingly causing or encouraging a child under 18 years of age to become or remain a child in need of care as defined by the revised Kansas code for care of children;
 - (2) Knowingly causing or encouraging a child under 18 years of age to commit a traffic infraction or an act which, if committed by an adult, would be a misdemeanor or to violate the provisions of K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810, and amendments thereto;
 - (3) Failure to reveal, upon inquiry by a uniformed or properly identified law enforcement officer engaged in the performance of such officer's duty, any information one has regarding a runaway, with intent to aid the runaway in avoiding detection or apprehension;
 - (4) Knowingly causing or encouraging a child to violate the terms or conditions of the child's probation or conditional release pursuant to subsection (a)(1) of K.S.A. 38-2361, and amendments thereto.

Contributing to a child's misconduct or deprivation is a Class A violation.

- (b) A person may be found guilty of contributing to a child's misconduct or deprivation even though no prosecution of the child whose misconduct or deprivation the

defendant caused or encouraged has been commenced pursuant to the revised Kansas code for care of children, revised Kansas juvenile justice code or Kansas criminal code.

(c) As used in this section, **runaway** means a child under 18 years of age who is voluntarily absent from:

- (1) The child's home without the consent of the child's parent or other custodian;
or
- (2) a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee. (K.S.A. Supp. 21-5603)

14. Section 5.2: Section 5.2 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Furnishing alcoholic liquor or cereal malt beverage to a minor is recklessly, directly or indirectly, buying for or distributing, any alcoholic liquor or cereal malt beverage to any minor.

(b) This section shall not apply to wine intended for use and used by any church or religious organization for sacramental purposes.

(c) It shall be a defense to a prosecution under this section if:

- (1) The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof; and
- (2) the defendant sold the alcoholic liquor or cereal malt beverage to the minor with reasonable cause to believe that the minor was 21 or more years of age or of legal age for the consumption of alcoholic liquor or cereal malt beverage; and
- (3) to purchase the alcoholic liquor or cereal malt beverage, the person exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document, that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age or of legal age for the consumption of alcoholic liquor or cereal malt beverage.

(d) This section shall not apply to the furnishing of cereal malt beverage by a parent or legal guardian to such parent's child or such guardian's ward when such furnishing is permitted and supervised by the child's or ward's parent or legal guardian. (K.S.A. Supp. 21-5607)

Furnishing alcoholic liquor or cereal malt beverage to a minor is a Class B violation for which the minimum fine is \$200.

15. Section 5.3: Section 5.3 of said Uniform Public Offense Code is hereby changed to

read as follows:

- (a) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is recklessly permitting a person's residence or any land, building, structure or room owned, occupied, or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the unlawful possession or consumption therein of alcoholic liquor or cereal malt beverages by a minor.
- (b) As used in this section, **minor** means a person under 21 years of age.
- (c) The provisions of this section shall not be deemed to create any civil liability for any lodging establishment, as defined in K.S.A. 36-501, and amendments thereto. (K.S.A. Supp. 21-5608)

Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a Class A violation, for which the minimum fine is \$1,000.

16. Section 5.4: Section 5.4 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be injured or endangered.
- (b) Nothing in this section shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. (K.S.A. Supp. 21-5601)

Endangering a child is a Class A violation.

17. Section 5.7: Section 5.7 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) It shall be unlawful for any person to:
 - (1) Sell, furnish or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 18 years of age; or
 - (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 18 years of age.
- (b) It shall be a defense to a prosecution under this section if:
 - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples; and
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 18 years of age with

reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and

- (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
- (4) For purposes of this section the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 18 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(c) It shall be a defense to a prosecution under this subsection if:

- (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
- (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 18 or more years of age. (K.S.A. Supp. 79-3302, 79-3321:79-3322)

Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

18. Section 6.1: Section 6.1 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Theft is any of the following acts done with the intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services.

- (1) Obtaining or exerting unauthorized control over property or services;
- (2) Obtaining control over property or services by deception;
- (3) Obtaining control over property or services by threat;
- (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another; or
- (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel. (K.S.A. Supp. 21-5801)

(b) Theft of property or services of the value of less than \$1,000 is a Class A violation, except as provided below.

- (1) Property of the value of less than \$1,000 from three separate mercantile establishments within a period of 72 hours as part of the same act or

transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct;

- (2) Property of the value of less than \$1,000 if committed by a person who has been convicted of theft two or more times; and
- (3) Property which is a firearm of the value of less than \$25,000.

(c) As used in this section:

- (1) Conviction or convicted includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;
- (2) Regulated scrap metal means the same as in K.S.A. 2013 Supp. 50-6, 109, and amendments thereto; and
- (3) Value means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

19. Section 6.2: Section 6.2 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) In any prosecution under this article, the following shall be prima facie evidence of intent to permanently deprive the owner or lessor of property of the possession, use or benefit thereof:

- (1) The giving of a false identification or fictitious name, address or place of employment at the time of obtaining control over the property;
- (2) The failure of a person who leases or rents personal property and fails to return the same within 10 days after the date set forth in the lease or rental agreement for the return of the property, if notice is given to the person renting or leasing the property to return the property within seven days after receipt of the notice, in which case the subsequent return of the property within the seven-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section;
- (3) Destroying, breaking or opening a lock, chain, key switch, enclosure or other device used to secure the property in order to obtain control over the property;
- (4) Destruction of or substantially damaging or altering the property so as to make the property unusable or unrecognizable in order to obtain control over the property;
- (5) The failure of a person who leases or rents from a commercial renter a motor vehicle under a written agreement that provides for the return of the motor vehicle to a particular place at a particular time, if notice has been given to the person renting or leasing the motor vehicle to return such vehicle within three calendar days from the date of the receipt or refusal of the demand. In addition, if such vehicle has not been returned after demand, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle and the local law enforcement agency shall cause such

motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;

- (6) The failure of a person who is provided with a use of a vehicle by the owner of the vehicle to return it to the owner pursuant to a written instruction specifying:
 - (A) The time and place to return the vehicle; and
 - (B) That failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle. In addition, if such vehicle has not been returned pursuant to the specifications in such instructions, the owner may notify the local law enforcement agency of the failure of the person to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into appropriate state and local computer system listing stolen motor vehicles;
- (7) Removing a theft detection device, without authority, from merchandise or disabling such device prior to purchase; or
- (8) Under the provisions of subsection (e) of section 6.1 the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels or placing such nozzle and hose on the ground or pavement.
 - (B) That failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle. In addition, if such vehicle has not been returned pursuant to the specifications in such instructions, the owner may notify the local law enforcement agency of the failure of the person to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles.

(b) In any prosecution in which the object of the alleged theft is a book or other material borrowed from a library, it shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

(c) In prosecution for theft as defined in Section 6.1, and such theft is of services, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service, caused by tampering, shall be prima facie evidence of intent to commit theft of services by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, water, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, water, telephone service or cable television service which has not been authorized or measured.

(d) As used in this section:

- (1) "Notice" means notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or

certified matter in the United States mail, addressed to such person who has leased or rented the personal property or borrowed the library material at the address as it appears in the information supplied by such person at the time of such leasing, renting or borrowing, or to such person's last known address; and

- (2) "Tampering" includes, but is not limited to:
- (A) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;
 - (B) Defacing, puncturing, removing, reversing or altering any meter or any connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service;
 - (C) Preventing any such meters from properly measuring or registering;
 - (D) Knowingly taking, receiving, using or converting to such person's own use, or the use of another, any electricity, water or natural gas which has not been measured; or any telephone or cable television service which has not been authorized; or
 - (E) Causing, procuring, permitting, aiding or abetting any person to do any of the preceding acts. (K.S.A. Supp. 21-5804)

20. Section 6.6: Section 6.6 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Criminal damage to property is by means other than by fire or explosive:
- (1) Knowingly damaging, destroying, defacing or substantially impairing the use of any property in which another has an interest without the consent of such other person; or
 - (2) Damaging, destroying, defacing or substantially impairing the use of any property with intent to injure or defraud an insurer or lienholder. (K.S.A. Supp. 21-5813)

Criminal damage to property is a Class B violation if the property damaged is of the value of less than \$1,000 or is of the value of \$1,000 or more and is damaged to the extent of less than \$1,000.

21. Section 6.7: Section 6.7 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Criminal trespass is entering or remaining upon or in any:
- (1) Land, non navigable body of water, structure, vehicle, aircraft or watercraft by a person who knows such person is not authorized or privileged to do so, and:
 - (A) Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person;
 - (B) Such premises or property are posted as provided in K.S.A. 32-1013, and amendments thereto, or in any other manner reasonably likely to come to

the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or

(C) Such person enters or remains therein in defiance of a restraining order issued by a court of competent jurisdiction and the restraining order has been personally served upon the person so restrained.

(2) Public or private land or structure in a manner than interferes with access to or from any health care facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.

(b) As used in this section:

(1) **Health Care Facility** means any licensed medical care facility, certificated health maintenance organization, licensed mental health center, or mental health clinic, licensed psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients.

(2) **Health Care Provider** means any person:

(A) Licensed to practice a branch of the healing arts;

(B) Licensed to practice psychology;

(C) Licensed to practice professional or practical nursing;

(D) Licensed to practice dentistry;

(E) Licensed to practice optometry;

(F) Licensed to practice pharmacy;

(G) Registered to practice podiatry;

(H) Licensed as a social worker; or

(I) Registered to practice physical therapy. (K.S.A. Supp. 21-5808)

(c) (1) This section shall not apply to a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor's authorized agents and employees who enter upon lands, waters, and other premises in the making of a survey.

(2) This section shall not apply to Railroad Property as defined in K.S.A. 21-5809, and amendments thereto, or nuclear generating facility as defined in K.S.A. 66-2302, and amendments thereto.

Criminal trespass is a Class B violation.

Upon a conviction of a violation of subsection (a)(1)(C), a person shall be sentenced to not less than 48 consecutive hours of imprisonment which shall be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

22. Section 6.7.1: Section 6.7.1 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Trespassing on a railroad property is:

- (1) Entering or remaining on railroad property, without consent of the owner or the owner's agent, knowing that it is railroad property; or
- (2) Recklessly causing in any manner the derailment of a train, railroad car or rail-mounted work equipment.

(b) Subsection (a) shall not be construed to interfere with the lawful use of a public or private crossing.

(c) Nothing in this section shall be construed as limiting a representative or member of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided under the railway labor act (45 U.S.C. 151 et seq.) and other federal labor laws.

(d) As used in this section **railroad property** includes, but is not limited to, any train, locomotive, railroad car, caboose, rail mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad company.

Trespassing on railroad property that results in a demonstrable monetary loss, damage, or destruction less than \$1,500 is a Class A violation.

23. Section 6.8: Section 6.8 of said Uniform Public Offense Code relating to littering is hereby declared to be and is omitted and deleted.

24. Section 6.9: Section 6.9 of said Uniform Public Offense Code is hereby changed to read as follows:

Tampering with a landmark is doing any of the following acts with intent to fraudulently alter a boundary:

- (a) Removing any monument of stone or other durable material, established or created for the purpose of designating the corner of or any other point upon the boundary of any lot or tract of land, or of the state, or any legal subdivision thereof;
- (b) Defacing or altering marks upon any tree, post or other monument, made for the purpose of designating any point on such boundary;
- (c) Cutting down or removing any tree, post or other monument upon which any such marks have been made for such purpose, with intent to destroy such marks;
- (d) Defacing or altering any inscription on any such marker or monument; or
- (e) Altering, removing, damaging or destroying any public land survey corner or accessory without complying with the provisions of K.S.A. 58-2011. (K.S.A. Supp. 21-5816)

Tampering with a landmark is a Class C violation.

25. Section 6.10: Section 6.10 of said Uniform Public Offense Code is hereby changed to read as follows:

Tampering with a traffic signal is knowingly manipulating, altering, destroying or removing any light, sign, marker, railroad switching device, or other signal device erected or installed for the purpose of controlling or directing the movement of motor vehicles, railroad trains, aircraft or watercraft. (K.S.A. Supp. 21-5817)

A person who violates the provisions of the section may also be prosecuted for, convicted of, and punished for violating sections 6.1 (Theft) and 6.3 (Theft of Property Lost, Mislaid, or Delivered by Mistake).

Tampering with a traffic signal is a Class C violation.

26. Section 6.11: Section 6.11 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Unlawful manufacture or disposal of false tokens is manufacturing for sale, offering for sale or giving away any false token, slug, substance, false or spurious coin or other device intended or calculated to be placed or deposited in any automatic vending machine, coin-operated telephone, parking meter or other such receptacle with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of such automatic vending machine, coin-operated telephone, parking meter or other receptacle designed to receive coins or currency of the United States of America in connection with the sale, use or enjoyment of property or services.

(b) The manufacture for sale, advertising, offering for sale or distribution of any such false token, slug, substance, false or spurious coin or other device shall be prima facie evidence of an intent to cheat or defraud within the meaning of this section. (K.S.A. Supp. 21-5829)

Unlawful manufacture or disposal of false tokens is a Class B violation.

27. Section 6.16: Section 6.16 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Giving a worthless check is the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check on any financial institution for the payment of money or its equivalent with intent to defraud and knowing, at the time of the making, drawing, issuing or delivering of such check that the maker or drawer has no deposit in or credits with the financial institution or has not sufficient funds in, or credits with, the financial institution for the payment of such check in full upon its presentation.

(b) As used in this section:

(1) **Check** is any check, order or draft on a financial institution;

- (2) **Financial institution** means any bank, credit union, savings and loan association or depository; and
- (3) **Notice** includes oral or written notice to the person entitled thereto.

(c) In any prosecution against the maker or drawer of a check, payment of which has been refused by the financial institution on account of insufficient funds, the making, drawing, issuing or delivering of such check shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with, the financial institution:

- (1) Unless the maker or drawer pays the holder thereof the amount due thereon and service charge not exceeding \$30 for each check, within seven days after notice has been given to the maker or drawer that such check has not been paid by the financial institution. Written notice shall be presumed to have been given when deposited as restricted matter in the United States mail, addressed to the person to be given notice at such person's address as it appears on such check; or
- (2) If a postdated date is placed on the check without the knowledge or consent of the payee.

(d) It shall not be a defense to a prosecution under this section that the check upon which such prosecution is based was:

- (1) Postdated, unless such check was presented for payment prior to the postdated date; or
- (2) Given to a payee who had knowledge or had been informed, when the payee accepted such check that the maker did not have sufficient funds in the hands of the financial institution to pay such check upon presentation, unless such check was presented for payment prior to the date the maker informed the payee there would be sufficient funds.

(e) In addition to all other costs and fees allowed by law, each prosecutor who takes any action under the provisions of this section may collect from the issuer in such action an administrative handling cost, except in cases filed in a court of appropriate jurisdiction. The cost shall not exceed \$10 for each check. (K.S.A. Supp. 21-5821)

Giving a worthless check is a Class A violation if the check, draft or order is drawn for less than \$1,000 except when the person has, within five years immediately preceding commission of the offense, been convicted of giving a worthless check two or more times, in which case it is a felony under state statute.

28. Section 6.17: Section 6.17 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Criminal use of a financial card is any of the following acts done with intent to defraud and to obtain money, goods, property or services:

- (1) Using a financial card without the consent of the cardholder;

- (2) Using a financial card, or the number or description thereof, which has been revoked or canceled; or
- (3) Using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof.

(b) As used in this section:

- (1) **Financial card** means an identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property, services or to conduct other financial transactions; and
- (2) **Cardholder** means the person or entity to whom or for whose benefit a financial card is issued.

(c) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company. (K.S.A. Supp. 21-5828)

Criminal use of a financial card is a Class A violation if the money, goods, property or services obtained within a seven-day period are of the value of less than \$1,000.

29. Section 6.18: Section 6.18 of said Uniform Public Offense Code is hereby changed to read as follows:

It shall be unlawful for any person to do business as a motor vehicle dealer, salvage vehicle dealer, motor vehicle manufacturer, motor vehicle converter, auction motor vehicle dealer, vehicle crusher, vehicle recycler, rebuilder, scrap metal recycler, salvage vehicle pool or salesperson without a license issued by the director of vehicles. The isolated or occasional sale of a vehicle by a person who owned such vehicle shall not constitute the doing of a business as a vehicle dealer. (K.S.A. Supp. 8-2434)

Violation of this section shall be punishable by a fine not to exceed \$2,500.

30. Section 6.19: Section 6.19 of said Uniform Public Offense Code is hereby changed to read as follows:

Equity skimming is, with the intent to defraud, intentionally engaging in a pattern or practice of:

(a) Purchasing one family to four family dwellings, including condominiums and cooperatives or acquiring any right, title or interest therein, including, but not limited to, an equity of redemption interest, which are subject to a loan in default at time of purchase or in default within one year subsequent to the purchase and the loan is secured by a mortgage;

(b) Failing to deliver to the holder of the mortgage before a sheriff's sale or holder of the certificate of purchase during the period of redemption all rent proceeds received

from rental of the property, not to exceed the monthly payment of principal and interest required by the note and mortgage; and

(c) Applying or authorizing the application of rents from such dwellings for such person's own use. (K.S.A. Supp. 21-6504)

Violating of this section is a Class A violation. Each purchase of a dwelling pursuant to this section shall be deemed a separate offense.

31. Section 6.20: Section 6.20 of said Uniform Public Offense Code is hereby changed to read as follows:

6.20 UNLAWFUL ACTS CONCERNING COMPUTERS.

(a) It is unlawful for any person to:

- (1) Knowingly and without authorization, disclose a number, code, password or other means of access to a computer, computer network, social networking website or personal electronic content; or
- (2) Knowingly and without authorization, access or attempt to access any computer, computer system, social networking website, computer network or computer software, program, documentation, data or property contained in any computer, computer system or computer network.

(b) As used in this section:

- (1) **Access** means to instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system or computer network.
- (2) **Computer** means an electronic device which performs work using programmed instruction and which has one or more of the capabilities of storage, logic, arithmetic or communication and includes all input, output, processing, storage, software or communication facilities which are connected or related to such a device in a system or network.
- (3) **Computer Network** means the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals, or a complex consisting of two or more interconnected computers.
- (4) **Computer Program** means a series of instructions or statements in a form acceptable to a computer which permits the functioning of a computer system in a manner designed to provide appropriate products from such computer system.
- (5) **Computer Software** means computer programs, procedures and associated documentation concerned with the operation of a computer system.
- (6) **Computer System** means a set of related computer equipment or devices and computer software which may be connected or unconnected.

- (7) **Financial Instrument** means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card or marketable security.
- (8) **Personal Electronic Content** means the electronically stored content of an individual including, but not limited to, pictures, videos, emails and other data files.
- (9) **Property** includes, but is not limited to, financial instruments, information, electronically produced or stored data, supporting documentation and computer software in either machine or human readable form.
- (10) **Services** includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work.
- (11) **Social Networking Website** means a privacy-protected internet website which allows individuals to construct a public or semi-public profile within a bounded system created by the service, create a list of other users with whom the individual shares a connection within the system and view and navigate the list of users with whom the individual shares a connection and those lists of users made by others within the system.
- (12) **Supporting Documentation** includes, but is not limited to, all documentation used in the construction, classification, implementation, use or modification of computer software, computer programs or data. (K.S.A. Supp. 21-5839)

Unlawful acts concerning computers is a Class A violation.

32. Section 6.21: Section 6.21 of said Uniform Public Offense Code is hereby changed to read as follows:

6.21 TAKING WILDLIFE WITHOUT PERMISSION ON LAND POSTED “BY WRITTEN PERMISSION ONLY.”

- (a) Any landowner or person in lawful possession of any land may post such land with signs stating that hunting, trapping, or fishing on such land shall be by written permission only. It is unlawful for any person to take wildlife on land which is posted as provided in this subsection, without having in the person’s possession the written permission of the owner or person in lawful possession thereof.
- (b) Instead of posting land as provided in subsection (a), any landowner or person in lawful possession of any land may post such land by placing identifying purple paint marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of at least eight inches in length and the bottom of the mark shall be not less than three feet nor more than five feet high. Such paint marks shall be readily visible to any person approaching the land. Land posted as provided in this subsection shall be considered to be posted by written permission only as provided in subsection (a).
- (c) A person licensed to hunt or fur harvest who is following or pursuing a wounded animal on land as provided in this section posted without written permission of the landowner or person in lawful possession thereof shall not be in violation of this section while in such pursuit, except that the provisions of this subsection shall not authorize a

person to remain on such land if instructed to leave by the owner or person in lawful possession of the land. Any person who fails to leave such land when instructed is subject to the provisions of subsection (b) of Section 6.22. (K.S.A. Supp. 32-1013)

Violation of this section is a Class C violation. A second conviction of this section is a Class C violation in which the minimum fine is \$250. A third conviction of this section is a Class C violation in which the minimum fine is \$300. A fourth or subsequent conviction of this section is a Class C violation in which a minimum fine of \$400 shall be imposed and a minimum of 7 days' imprisonment shall be served. Any conviction of this section that occurred before July 1, 2005, shall not be considered for purposes of this section.

33. Section 6.22: Section 6.22 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Criminal hunting is knowingly hunting, shooting, fur harvesting, pursuing any bird or animal, or fishing:

- (1) Upon any land or non navigable body of water of another, without having first obtained permission of the owner or person in possession of such premises; or
- (2) Upon or from any public road, public road right-of-way or railroad right-of-way that adjoins occupied or improved premises, without having first obtained permission of the owner or person in possession of such premises.
- (3) Upon any land or non navigable body of water of another person who knows such person is not authorized or privileged to do so, and:
 - (A) Such person remains therein and continues to hunt, shoot, fur harvest, pursue any bird or animal or fish in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person: or
 - (B) Such premises or property are posted in a manner consistent with K.S.A. 32-1013, and amendments thereto.

(b) Criminal hunting as defined in:

- (1) Subsection (a)(1) or (a)(2), is a Class C violation. Upon the first conviction thereof and in addition to any authorized sentence imposed by the court, such court may require the forfeiture of the convicted person's hunting, fishing, or fur harvesting license, or all, or, in any case where such person has a combination license, the court may require forfeiture of a part or all of such license and the court may order such person to refrain from hunting, fishing, or fur harvesting, or all, for up to one year from the date of such conviction. Upon any second or subsequent conviction of subsection (a)(1) or (a)(2), in addition to any authorized sentence imposed by the court, such court shall require the forfeiture of the convicted person's hunting, fishing, or fur harvesting license, or all, or in any case where such person has a combination license, the court shall require the forfeiture of a part or all of such license and the court shall order such person to refrain from hunting, fishing, or fur harvesting, or all, for one year from the date of such conviction. A person

licensed to hunt and following or pursuing a wounded game bird or animal upon any land of another without permission of the landowner or person in lawful possession thereof shall not be deemed to be in violation of this provision while in such pursuit, except that this provision shall not authorize a person to remain on such land if instructed to leave by the owner thereof or other authorized person.

For the purpose of determining whether a conviction is a first, second or subsequent conviction of subsection (a)(1) or (a)(2), **conviction** or **convicted** includes being convicted of a violation of subsection (a) of K.S.A. 21-3728, prior to its repeal, or subsection (a)(1) or (a)(2); and

(2) Subsection (a)(3) is a Class B violation. Upon the first conviction or a diversion agreement of subsection (a)(3), in addition to any authorized sentence imposed by the court, the court shall require forfeiture of such person's hunting, fishing or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for six months. Upon the second conviction of subsection (a)(3), in addition to any authorized sentence imposed by the court, such court shall require the forfeiture of the convicted person's hunting, fishing, or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for one year. Upon the third or subsequent conviction of subsection (a)(3), in addition to any authorized sentence imposed by the court, such court shall require forfeiture of convicted person's hunting, fishing or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for five years. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction of subsection (a)(3), conviction or convicted includes being convicted of a violation of subsection (b) or K.S.A. 21-3728, prior to its repeal, or subsection (a)(3).

(c) The court shall notify the department of wildlife and parks of any conviction or diversion for criminal hunting. (K.S.A. Supp. 21-5810)

34. Section 6.25: Section 6.25 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in transaction for which Section 6.24 requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in Section 6.24. All records kept in accordance with the provisions of this section shall be open at all times to peace or law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to peace or law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which Section 6.24 requires information to be presented by the seller, without obtaining from the seller a signed statement that:

- (1) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or
- (2) That the seller is acting for the owner and has permission to sell each time.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which Section 6.24 requires information to be presented by the seller, without:

- (1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and
- (2) Obtaining an appropriate vehicle title or bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items of regulated scrap metal property without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item of regulated scrap metal property on behalf of the governmental entity, utility provider, railroad, cemetery, civic organization or scrap metal dealer:

- (1) Utility access cover;
- (2) Street light poles or fixtures;
- (3) Road or bridge guard rails;
- (4) Highway or street sign;
- (5) Water meter cover;
- (6) Traffic directional or traffic control signals;
- (7) Traffic light signs;
- (8) Any metal marked with any form of the name or initials of a governmental entity;
- (9) Property owned and marked by a telephone cable, electric, water or other utility provider;
- (10) Property owned and marked by a railroad;
- (11) Funeral markers or vases;
- (12) Historic markers;
- (13) Bales of regulated metal;
- (14) Beer kegs;
- (15) Manhole covers;
- (16) Fire hydrants or fire hydrant caps;
- (17) Junk vehicles with missing or altered vehicle identification numbers;

- (18) Real estate signs;
- (19) Bleachers or risers, in whole or in part; and
- (20) Twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24, or 26 gauge.

(f) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays. (K.S.A. Supp. 50-6, 111: 50-6, 112)

Any person intentionally violating the provisions of this section shall be guilty of a Class C violation for which the minimum fine is \$200. Any person convicted of violating the provisions of this section for the second time within a two-year period shall be guilty of a Class B violation for which the minimum fine is \$500. Any person convicted of violating the provisions of this section for the third and subsequent times within a two-year period shall be guilty of a Class A violation for which the minimum fine is \$1,000.

35. Section 7.1: Section 7.1 of said Uniform Public Offense Code relating to compounding an offense is hereby declared to be and is omitted and deleted.

36. Section 7.2: Section 7.2 of said Uniform Public Offense Code is hereby changed to read as follows:

7.2 INTERFERENCE WITH LAW ENFORCEMENT.

Interference with law enforcement is:

(a) Falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency:

- (1) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;
- (2) That a law enforcement officer has committed a crime or committed misconduct in the performance of such officer's duties, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or
- (3) Any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty; or

(b) Concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or

(c) Knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty.

Interference with a law enforcement officer is a Class A violation.

37. Section 7.3: Section 7.3 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Escape from custody is escaping while held in custody on a:

- (1) Charge, conviction of or arrest for a misdemeanor or a code violation;
- (2) Charge, adjudication or arrest as a juvenile offender where the act, if committed by an adult, would constitute a misdemeanor or a code violation;
or
- (3) Commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a misdemeanor or by a person 18 years of age or over who is being held in custody on an adjudication of a misdemeanor or a code violation.

(b) As used in this section:

- (1) **Custody** means arrest; detention in a facility for holding persons charged with or convicted of offenses or charged or adjudicated as a juvenile offender; detention for extradition or deportation; detention in a hospital or other facility pursuant to court order, imposed as a specific condition of probation or parole or imposed as a specific condition of assignment to a community correctional services program; commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto; or any other detention for law enforcement purposes. **Custody** does not include general supervisions of a person or probation on parole or constraint incidental to release on bail.
- (2) **Escape** means departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant to express authorization of law or order of a court. (K.S.A. Supp. 21-5911)
- (3) **Juvenile Offender** means the same as in K.S.A. 38-2302, and amendments thereto; and
- (4) **State Correctional Institution** means the same as in K.S.A. 75-5202, and amendments thereto.

(c) As used in this section, the term **charge** shall not require that the offender was held on a written charge contained in a complaint, information or indictment, if such offender was arrested prior to such offender's escape from custody.

Escape from custody is a Class A violation.

38. Section 7.4: Section 7.4 of said Uniform Public Offense Code is hereby changed to read as follows:

7.4 INTERFERENCE WITH THE JUDICIAL PROCESS.

- (a) Interference with the judicial process is:
- (1) Committing any of the following acts, with intent to influence, impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor:
 - (A) Communicating in any manner a threat of violence to any judicial officer or any prosecutor; or
 - (B) Harassing a judicial officer or a prosecutor by repeated vituperative communication; or
 - (C) Picketing, parading or demonstrating near such officer's or prosecutor's residence or place of abode;
 - (2) Picketing parading or demonstrating in or near a building housing a judicial officer or a prosecutor with intent to impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor;
 - (3) Knowingly accepting or agreeing to accept anything of value as consideration for a promise:
 - (A) Not to initiate or aid in the prosecution of a person who has committed a crime; or
 - (B) To conceal or destroy evidence of a crime;
 - (4) Knowingly or intentionally in any criminal proceeding or investigation:
 - (A) Inducing a witness or informant to withhold or unreasonably delay in producing any testimony, information, document or thing;
 - (B) Withholding or unreasonably delaying in producing any testimony, information, document or thing after a court orders the production of such testimony, information, document or thing;
 - (C) Altering, damaging, removing or destroying any record, document or thing, with the intent to prevent it from being produced or used as evidence; or
 - (D) Making, presenting or using a false record, document or thing with the intent that the record, document or thing, material to such criminal proceeding or investigation, appear in evidence to mislead a justice, judge, magistrate, master or law enforcement officer; or
 - (5) Knowingly making available by any means personal information about a judge or the judge's immediate family member, if the dissemination of the personal information poses an imminent and serious threat to the judge's safety or the safety of such judge's immediate family member, and the person making the information available knows or reasonably should know of the imminent and serious threat.
- (b) Nothing in this section shall limit or prevent the exercise by any court of this state of its power to punish for contempt.
- (c) As used in this section:

- (1) **Immediate family member** means a judge's spouse, child, parent or any other blood relative who lives in the same residence as such judge.
- (2) **Judge** means any duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge.
- (3) **Personal information** means a judge's home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, personal photograph, immediate family member photograph, photograph of the judge's home, and information about the judge's motor vehicle, any immediate family member's motor vehicle, any immediate family member's place of employment, any immediate family member's child care or day care facility and any immediate family member's public or private school that offers instruction in any or all of the grades kindergarten through 12. (K.S.A. Supp. 21-5905)

Interference with the judicial process is a Class A violation, except that a second or subsequent conviction of section (a)(5) is a severity level 9, person felony, to be prosecuted pursuant to State Statute.

39. Section 7.10: Section 7.10 of said Uniform Public Offense Code is hereby changed to read as follows:

False signing of a petition is knowingly affixing any fictitious or unauthorized signature to any petition, memorial or remonstrance, intended to be presented to the legislature, or either house thereof, or to any agency or officer of the State of Kansas or any of its political subdivisions. (K.S.A. Supp. 21-5916)

False signing of a petition is a Class C violation.

40. Section 7.12: Section 7.12 of said Uniform Public Offense Code is hereby changed to read as follows:

Interference with the conduct of public business in public buildings is:

- (a) Conduct at or in any public building owned, operated or controlled by the state or any of its political subdivisions so as to knowingly deny to any public official, public employee, or any invitee on such premises, the lawful rights of such official, employee, or invitee to enter, to use the facilities or to leave any such public building;
- (b) Knowingly impeding any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof;
- (c) Knowingly refusing or failing to leave any such public building upon being requested to do so by the chief administrative officer, or such officer's designee, charged with maintaining order in such public building, if such person is committing, threatens to commit, or incites others to commit, any act which did or would if completed, disrupt,

impair, interfere with, or obstruct the lawful missions, processes, procedures or functions being carried on in such public building;

(d) Knowingly impeding, disrupting or hindering the normal proceedings of any meeting or session conducted by any judicial or legislative body or official at any public building by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting or session, or by any act designed to intimidate, coerce or hinder any member of such body or any official engaged in the performance of duties at such meeting or session; or

(e) Knowingly impeding, disrupting or hindering, by any act of intrusion into the chamber or other areas designed for the use of any executive body or official, the normal proceedings of such body or official. (K.S.A. Supp. 21-5922)

Interference with the conduct of public business in public buildings is a Class A violation.

41. Section 7.14: Section 7.14 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Electioneering is knowingly attempting to persuade or influence eligible voters to vote for or against a particular candidate, party or question submitted. Electioneering includes wearing, exhibiting or distributing labels, signs, posters, stickers or other materials that clearly identify a candidate in the election or clearly indicates support or opposition to a question submitted election within any polling place on election day or advance voting site during the time period allowed by law for casting a ballot by advance voting or within a radius of 250 feet from the entrance thereof. Electioneering shall not include bumper stickers affixed to a motor vehicle that is used to transport voters to a polling place or to an advance voting site for the purpose of voting.

(b) As used in this section, **advance voting site** means the central county election office or satellite advance voting sites designated as such pursuant to subsection (c) of K.S.A. 25-1122, and amendments thereto, and adult care homes and hospital based care units at the time of an election participating in the voting procedures prescribed in K.S.A. 25-2812 (K.S.A. Supp. 25-2430)

Electioneering is a Class C violation.

42. Section 9.1: Section 9.1 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Disorderly conduct is one or more of the following acts that the person knows or should know will alarm, anger or disturb others or provoke an assault or other breach of the peace:

(1) Brawling or fighting;

(2) Disturbing an assembly, meeting or procession, not unlawful in its character;

or

(3) Using fighting words or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

(b) As used in this section, **fighting words** means words that by their very utterance inflict injury or tend to incite the listener to an immediate breach of the peace.

Disorderly conduct is a Class C violation.

43. Section 9.2: Section 9.2 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Unlawful assembly is:

- (1) The meeting or coming together of not less than five persons with the intent to engage in conduct constituting;
 - (A) Disorderly conduct, as defined by Section 9.1 of this article; or
 - (B) A riot, as defined by Section 9.4 of this article; or
- (2) When a lawful assembly of not less than five persons, agreeing to engage in conduct constituting disorderly conduct or riot.

(b) Remaining at an unlawful assembly is intentionally failing to depart from the place of an unlawful assembly after being directed to leave by a law enforcement officer. (K.S.A. Supp. 21-6202)

Unlawful assembly is a Class B violation.

Remaining at an unlawful assembly is a Class A violation.

44. Section 9.4: Section 9.4 of said Uniform Public Offense Code is hereby changed to read as follows:

Riot is five or more persons acting together and without lawful authority engaging in any:

- (a) Use of force or violence which produces a breach of the public peace; or
- (b) Threat to use such force or violence against any person or property if accompanied by power or apparent power of immediate execution. (K.S.A. Supp. 21-6201)

Riot is a Class A violation.

45. Section 9.7: Section 9.7 of said Uniform Public Offense Code is hereby changed to read as follows:

Giving a false alarm is:

(a) Transmitting in any manner to the fire department of any city, township or other municipality, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(b) Making a call in any manner for emergency service assistance including police, fire, medical or other emergency service provided under K.S.A. 12-5301 et seq., and amendments thereto, knowing at the time of such call that there is no reasonable ground for believing such assistance is needed. (K.S.A. 21-6207)

(c) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for interference with law enforcement. (Section 7.2.)

Giving a false alarm is a Class A violation.

46. Section 9.8: Section 9.8 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Criminal desecration is:

(1) Knowingly obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being;

(2) Recklessly by means other than by fire or explosive:

(A) Damaging, defacing or destroying the flag, ensign or other symbol of the United States or this state in which another has a property interest without the consent of such other person;

(B) Damaging, defacing or destroying any public monument or structure;

(C) Damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; or

(D) Damaging, defacing or destroying any place of worship. (K.S.A. 21-6205)

(b) Criminal desecration as described in subsections (a)(2)(B), (a)(2)(C) and (a)(2)(D) is a Class A violation if the property is damaged to the extent of less than \$1,000.

(c) Criminal desecration as described in subsections (a)(1) and (a)(2)(A) is a Class A violation.

47. Section 9.10: Section 9.10 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Harassment by telecommunication device is the use of:

(1) A telecommunication device to:

(A) Knowingly make or transmit any comment, request, suggestion, proposal, image or text which is obscene, lewd, lascivious, or indecent;

(B) Make or transmit a call, whether or not conversation ensues, with intent to abuse, threaten or harass a person at the receiving end;

- (C) Make or transmit any comment, request, suggestion, proposal, image or text with intent to abuse, threaten or harass any person at the receiving end;
 - (D) Make or cause a telecommunications device to repeatedly ring or activate with intent to harass any person at the receiving end;
 - (E) Knowingly play any recording on a telephone, except recordings such as weather information or sports information when the number thereof is dialed, unless the person or group playing the recording shall be identified and state that it is a recording; or
 - (F) Knowingly permit any telecommunications device under one's control to be used in violation of this paragraph.
- (2) Telefacsimile communication to send or transmit such communication to a court in the State of Kansas for a use other than court business, with no requirement of culpable mental state.

(b) As used in this section, **telecommunications device** includes telephones, cellular telephones, telefacsimile machines and any other electronic device which makes use of an electronic communication service, as defined in K.S.A. 22-2514, and amendments thereto. (K.S.A. Supp. 21-6206)

(c) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in sections 11.1 and 11.2.

Harassment by a telecommunication device is a Class A violation.

48. Section 9.11: Section 9.11 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Unlawful public demonstration at a funeral is:
 - (1) Engaging in a public demonstration at any public location within 150 feet of any entrance to any cemetery, church, mortuary or other location where a funeral is held or conducted, within one hour prior to the scheduled commencement of a funeral, during a funeral or within two hours following the completion of a funeral;
 - (2) Knowingly obstructing, hindering, impeding or blocking another person's entry to or exit from a funeral; or
 - (3) Knowingly impeding vehicles which are part of a funeral procession.
- (b) As used in this section:
 - (1) **Funeral** means the ceremonies, processions, and memorial services held in connection with the burial or cremation of a person.
 - (2) **Public demonstration** means:
 - (A) Any picketing or similar conduct; or
 - (B) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral. (K.S.A. Supp. 21-6106)

Violation of this section is a Class B violation. Each day on which a violation occurs shall constitute a separate offense.

49. Section 9.13: Section 9.13 of said Uniform Public Offense Code is hereby changed to read as follows:

Unlawful posting of political pictures and political advertisements is knowingly putting up, affixing or fastening of either or both, a political picture or a political advertisement to a telegraph, telephone, electric lights or power pole. (K.S.A. Supp. 21-5820)

Unlawful posting of political pictures and political advertisements is a Class C violation.

50. Section 10.1: Section 10.1 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Criminal use of weapons is knowingly:

- (1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star;
- (2) Possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, or any other dangerous or deadly weapon or instrument of like character;
- (3) Setting a spring gun;
- (4) Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;
- (5) Selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;
- (6) Selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;
- (7) Possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;
- (8) Possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;
- (9) Refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so

requested or directed by any duly authorized school employee or any law enforcement officer;

(10 Possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age.

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6) or (a)(9) is a Class A violation;

(2) Subsection (a)(7) or (a)(8) is a Class B violation;

(3) Subsection (a)(10) is a Class A violation on a first offense.

(c) Subsections (a)(1), (a)(2) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) The manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsection (a)(8) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) Possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) Possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student;

(4) Possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) Possession of a handgun by an individual who is licensed by the attorney general to carry a concealed handgun under K.S.A. Supp. 75-7c01 et seq., and amendments thereto.

(e) Subsection (a)(6) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. Supp. 75-7c26, and amendments thereto.

(f) Subsection (a)(10) shall not apply if such person, less than 18 years of age, was:

- (1) In attendance at a hunter's safety course or a firearms safety course;
- (2) Engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;
- (3) Engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;
- (4) Hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;
- (5) Traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (f)(1) through (f)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;
- (6) On real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or
- (7) At such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto. (K.S.A. Supp. 21-6301)

51. Section 10.1.1: Section 10.1.1 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Criminal carrying of a weapon is knowingly carrying:
 - (1) Any bludgeon, sandclub, metal knuckles or throwing star;
 - (2) Concealed on one's person, a billy, blackjack, slungshot or any other dangerous or deadly weapon or instrument of like character;
 - (3) On one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;
- (b) Criminal carrying of a weapon as defined in subsections (a)(1), (a)(2) or (a)(3) is a Class A violation.
- (c) Subsection (a) shall not apply to:
 - (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 - (2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

- (3) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or
- (4) The manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) It shall not be a violation of this section if a person violates the provisions of K.S.A. Supp. 75-7c03, and amendments thereto, but has an otherwise valid license to carry a concealed handgun which is issued or recognized by this state. (K.S.A. Supp. 21-6302)

52. Section 10.3: Section 10.3 of said Uniform Public Offense Code is hereby changed to read as follows:

10.3 CRIMINAL DISTRIBUTION OF FIREARMS TO A FELON

(a) Criminal distribution of firearms to a felon is knowingly:

- (1) Selling, giving or otherwise transferring any firearm to any person who, within the preceding five years, has been convicted of a felony, other than those specified in the subsection (b), under the laws of this or any other jurisdiction or has been released from imprisonment for a felony and was not found to have been in possession of a firearm at the time of the commission of the felony;
- (2) Selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of felony to which this subsection applies, but was not found to have been in possession of a firearm at the time of the commission of the felony, or has been released from imprisonment for such a felony, and has not had the conviction of such felony expunged or been pardoned for such felony; or
- (3) Selling, giving or otherwise transferring any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction and was found to have been in possession of a firearm at the time of the commission of the felony.

(b) Subsection (a)(2) shall apply to a felony under K.S.A. 21-5402, 21-5403, 21-5404, 21-5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of 21-5413, subsection (a) or (b) of 21-5415, subsection (b) of 21-5420, 21-5503, subsection (b) of 21-5504, subsection (b) of 21-5505, and subsection (b) of 21-5807, and amendments thereto, K.S.A. 21-5705 or 21-5706, and amendments thereto, or K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b or 65-4160 through 65-4165, prior to their repeal, or a crime under a law of another jurisdiction which is substantially the same as such felony.

- (c) It is not a defense that the distributor did not know or have reason to know:
- (1) The precise felony the recipient committed;
 - (2) That the recipient was in possession of a firearm at the time of the commission of the recipient's prior felony; or

- (3) That the convictions for such felony have not been expunged or pardoned.
(K.S.A. Supp. 21-6303)

Criminal distribution of firearms to a felon is a Class A violation.

53. Section 10.3.1: Section 10.3.1 of said Uniform Public Offense Code relating to criminal possession of a firearm is hereby declared to be and is omitted and deleted.

54. Section 10.11: Section 10.11 of said Uniform Public Offense Code is hereby changed to read as follows:

Creating a hazard is recklessly:

(a) Storing or abandoning, in any place accessible to children, a container which has a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside, and failing to remove the door, lock, lid or fastening device on such container;

(b) Being the owner or otherwise having possession of property upon which a cistern, well or cesspool is located and knowingly failing to cover the same with protective covering of sufficient strength and quality to exclude human beings and domestic animals therefrom; or

(c) Exposing, abandoning or otherwise leaving any explosive or dangerous substance in a place accessible to children. (K.S.A. Supp. 21-6318)

Creating a hazard is a Class B violation.

55. Section 10.12: Section 10.12 of said Uniform Public Offense Code is hereby changed to read as follows:

Unlawful failure to report a wound is, with no requirement of a culpable mental state, the failure by an attending physician or other person to report such person's treatment of any of the following wounds, to the office of the chief of police of the city or the office of the sheriff of the county in which such treatment took place:

(a) Any bullet wound, gunshot wound, powder burn or other injury arising from or caused by the discharge of a firearm; or

(b) Any wound which is likely to or may result in death and is apparently inflicted by a knife, ice pick or other sharp or pointed instrument. (K.S.A. Supp. 21-6319)

Unlawful failure to report a wound is a Class C violation.

56. Section 10.14: Section 10.14 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) (1) No person born on or after January 1, 1989, shall operate on public waters of this city any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person as provided by K.S.A. 32-1101 et seq.
- (2) No owner or person in possession of any motorboat or sailboat shall permit another person, who is subject to the requirements in subsection (a)(1), to operate such motorboat or sailboat unless such other person either:
 - (A) Has been lawfully issued a certificate of completion of an approved boater safety education course of instruction as provided by K.S.A. 32-1101 et seq.;
 - or
 - (B) Is legally exempt from the requirement of subsection (a)(1).

The requirement in subsection (a)(1), shall not apply to a person 21 years of age or older.

(b) The requirement in subsection (a)(1) shall not apply to a person operating a motorboat or sailboat accompanied by and under the direct and audible supervision of a person over 17 years of age who either:

- (1) Possesses a certificate of completion of an approved boater safety education course; or
- (2) Is legally exempt from the requirements of subsection (a)(1).

(c) No person who is charged with a violation of subsection (a)(1) shall be convicted of the violation if such person produces in court or in the office of the arresting officer a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person and valid at the time of such person's arrest. (K.S.A. 32-1139)

57. Section 10.15: Section 10.15 of said Uniform Public Offense Code is hereby changed to read as follows:

10.15 OPERATING A VESSEL UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; PENALTIES.

- (a) No person shall operate or attempt to operate any vessel within this city while:
 - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (b) of K.S.A. 32-1130, and amendments thereto, is .08 or more;
 - (2) The alcohol concentration in the person's blood or breath, at the time or within three hours after the person operated or attempted to operate the vessel is .08 or more;
 - (3) The alcohol concentration in the person's blood or breath, at the time or within three hours after the person operated or attempted to operate the vessel is .02 or more and the person is less than 21 years of age;
 - (4) Under the influence of alcohol to a degree that renders the person incapable of safely operating a vessel;

- (5) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating a vessel; or
- (6) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vessel.

(b) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(c) No person shall operate or attempt to operate any vessel within this state for three months after the date of refusal of submitting to a test if such person refuses to submit to a test pursuant to K.S.A. 32-1132, and amendments thereto.

(d) Except as provided by subsection (e), violation of this section is a violation punishable:

- (1) On the first conviction, by imprisonment of not more than one year or a fine of not less than \$100 nor more than \$500, or both; and
- (2) On the second or a subsequent conviction, by imprisonment for not less than 90 days nor more than one year and, in the court's discretion, a fine of not less than \$100 nor more than \$500.

(e) Subsection (d) shall not apply to or affect a person less than 21 years of age who submits to a breath or blood alcohol test requested pursuant to K.S.A. 32-1132 and amendments thereto, and produces a test result of an alcohol concentration of .02 or greater but less than .08. Such person's boating privileges upon the first occurrence shall be suspended for 30 days and upon a second or subsequent occurrence shall be suspended for 90 days.

(f) In addition to any other penalties prescribed by law or rule and regulation, any person convicted of a violation of this section shall be required to satisfactorily complete a boater safety education course of instruction before such person subsequently operates or attempts to operate any vessel. (K.S.A. Supp. 32-1131)

58. Section 10.16: Section 10.16 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) It is unlawful for any person to:

- (1) Recklessly throw, push, pitch or otherwise cast any rock, stone or other object, matter or thing onto a street, road, highway, railroad right-of-way, or upon any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock thereon;
- (2) Violate subsection (a) and damage any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock lawfully on the street, highway or railroad right-of-way by the thrown or cast rock, stone or other object;

- (b) (1) Violation of subsection (a)(1) is a Class B violation.
- (2) Violation of subsection (a)(2) is a Class A nonperson violation.

59. Section 10.17: Section 10.17 of said Uniform Public Offense Code is hereby changed to read as follows:

No person shall perform body piercing, cosmetic tattooing or tattooing on or to any person under 18 years of age without the prior written and notarized consent of the parent or court appointed guardian of such person and the person giving such consent must be present during the body piercing, cosmetic tattooing or tattooing procedure. The written permission and a copy of the letters of guardianship when such permission is given by a guardian, shall be retained by the person administering such body piercing, cosmetic tattooing or tattooing for a period of five years. (K.S.A. 65-1953)

Violation of this section is a Class A violation.

60. Section 10.20: Section 10.20 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Unlawfully obtaining a prescription-only drug is:
 - (1) Making, altering or signing of a prescription order by a person other than a practitioner or a mid-level practitioner;
 - (2) Distribution of a prescription order, knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner;
 - (3) Possession of a prescription order with intent to distribute it and knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner;
 - (4) Possession of a prescription-only drug knowing it to have been obtained pursuant to a prescription order made, altered or signed by a person other than a practitioner or a mid-level practitioner; or
 - (5) Providing false information, with the intent to deceive, to a practitioner or mid-level practitioner for the purpose of obtaining a prescription-only drug.
- (b) As used in this section:
 - (1) **Pharmacist, practitioner, mid-level practitioner and prescription-only drug** shall have the meanings ascribed thereto by K.S.A. 65-1626 and amendments thereto.
 - (2) **Prescription order** means an order transmitted in writing, orally, telephonically or by other means of communication for a prescription-only drug to be filled by a pharmacist. **Prescription order** does not mean a drug dispensed pursuant to such an order.
- (c) The provisions of this section shall not be applicable to prosecutions involving prescription-only drugs which could be brought under K.S.A. 21-5705 or 21-5706, and amendments thereto. (K.S.A. Supp. 21-5708)

Unlawfully obtaining a prescription-only drug is a Class A violation for the first offense.

61. Section 10.22: Section 10.22 of said Uniform Public Offense Code is hereby changed to read as follows:

It shall be unlawful for any person to knowingly:

- (a) Use any alcohol without liquid machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; or
- (b) Purchase, sell, or offer for sale an alcohol without liquid machine. (K.S.A. Supp. 21-6321)

Violation of this section is a Class A violation.

62. Section 10.24: Section 10.24 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:

- (1) Public places;
- (2) Taxicabs and limousines;
- (3) Restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) Restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) Access points of all buildings and facilities not exempted pursuant to subsection (d); and
- (6) Any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, 10.25 or 10.26, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

- (1) The outdoor areas of any building or facility beyond the access points of such building or facility;
- (2) Private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;
- (3) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;
- (4) The gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;
- (5) That portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;
- (6) That portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;
- (7) Tobacco shops;
- (8) A Class A or Class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and
- (9) A private club in designated areas where minors are prohibited. (K.S.A. Supp. 21-6110)

63. Section 11.1: Section 11.1 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Promoting obscenity is recklessly:
 - (1) Manufacturing, mailing, transmitting, publishing, distributing, presenting, exhibiting, or advertising any obscene material or obscene device;
 - (2) Possessing any obscene material or obscene device with intent to mail, transmit, publish, distribute, present, exhibit or advertise such material or device;
 - (3) Offering or agreeing to manufacture, mail, transmit, publish, distribute, present, exhibit or advertise any obscene material or obscene device; or
 - (4) Producing, presenting, or directing an obscene performance or participating in a portion thereof which is obscene or which contributes to its obscenity.
- (b) Evidence that materials or devices were promoted to emphasize their prurient appeal shall be relevant in determining the question of the obscenity of such materials or devices. There shall be a rebuttable presumption that a person promoting obscene materials or obscene devices did so recklessly if

- (1) The materials or devices were promoted to emphasize their prurient appeal; or
 - (2) The person is not a wholesaler and promotes the materials or devices in the course of the person's business.
- (c) (1) Any material or performance is **obscene** if:
- (A) The average person applying contemporary community standards would find that the material or performance, taken as a whole, appeals to the prurient interest;
 - (B) The average person applying contemporary community standards would find that the material or performance has patently offensive representations or descriptions of (i) ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy; or (ii) masturbation, excretory functions, sadomasochistic abuse or lewd exhibition of the genitals; and
 - (C) Taken as a whole, a reasonable person would find that the material or performance lacks serious literary, educational, artistic, political, or scientific value.
- (2) **Material.** Any tangible thing which is capable of being used or adapted to arouse interest, whether throughout the medium of reading, observation, sound or other manner.
 - (3) **Obscene Device.** A device, including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs, except such devices disseminated or promoted for the purpose of medical or psychological therapy.
 - (4) **Performance.** Any play, motion picture, dance or other exhibition performed before an audience.
 - (5) **Sexual Intercourse** and **Sodomy** have the meaning provided by K.S.A. Supp. 21-5501, and amendments thereto.
 - (6) **Wholesaler.** A person who distributes or offers for distribution obscene materials or devices only for resale and not to the consumer and who does not manufacture, publish or produce such materials or devices.
- (d) It shall be a defense to a prosecution for promoting obscenity and promoting obscenity to minors that the:
- (1) Persons to whom the allegedly obscene material or obscene device was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational or governmental justification for possessing or viewing the same;
 - (2) Defendant is an officer, director, trustee, or employee of a public library and the allegedly obscene material was acquired by such library and was disseminated in accordance with regular library policies approved by its governing body; or
 - (3) Allegedly obscene material or obscene device was purchased, leased, or otherwise acquired by a public, private or parochial school, college, or university, and that such material or device was either sold, leased, distributed, or disseminated by a teacher, instructor, professor or other faculty

member or administrator of such school as part of or incident to an approved course or program of instruction at such school.

(e) The provisions of this section prescribing a criminal penalty for exhibit of any obscene motion picture shown in a commercial showing to the general public shall not apply to a projectionist, or assistant projectionist, if such projectionist or assistant projectionist has no financial interest in the show or in its place of presentation other than regular employment as a projectionist or assistant projectionist and no personal knowledge of the contents of the motion picture. The provisions of this section shall not exempt any projectionist or assistant projectionist from criminal liability for any act unrelated to projection of motion pictures in commercial showings to the general public (K.S.A. Supp. 21-6401)

Promoting obscenity is a Class A violation on conviction of a first offense.

Upon any conviction of promoting obscenity, the court may require, in addition to any fine or imprisonment imposed, that the defendant enter into a reasonable recognizance with good and sufficient surety, in such sum as the court may direct, but not to exceed \$50,000, conditioned that, in the event the defendant is convicted, of a subsequent offense of promoting obscenity within two years after such conviction, the defendant shall forfeit the recognizance.

64. Section 11.2: Section 11.2 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Promoting obscenity to minors is promoting obscenity, as defined in section 11.1, where a recipient of the obscene material or obscene device or a member of the audience of an obscene performance is a child under the age of 18 years.

(b) Evidence that materials or devices were promoted to emphasize their prurient appeal shall be relevant in determining the question of the obscenity of such materials or devices. There shall be a rebuttable presumption that a person promoting obscene materials or obscene devices did so knowingly or recklessly if:

- (1) The materials or devices were promoted to emphasize their prurient appeal; or
- (2) The person is not a wholesaler and promotes the materials or devices in the course of the person's business.

(c) It shall be a defense to a prosecution for promoting obscenity to minors that the:

- (1) Persons to whom the allegedly obscene material or obscene device was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational or governmental justification for possessing or viewing the same;
- (2) Defendant is an officer, director, trustee or employee of a public library and the allegedly obscene material was acquired by such library and was disseminated in accordance with regular library policies approved by its governing body; or

- (3) Allegedly obscene material or obscene device was purchased, leased or otherwise acquired by a public, private or parochial school, college or university, and that such material or device was either sold, leased, distributed or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school as part of or incidental to an approved course or program of instruction at such school.

(d) Notwithstanding the provisions of K.S.A. 21-5204, and amendments thereto, to the contrary, it shall be an affirmative defense to any prosecution for promoting obscenity to minors that:

- (1) The defendant had reasonable cause to believe that the minor involved was 18 years old or over, and such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more; or
- (2) An exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.

(e) The provisions of this section and the provisions of ordinances of any city prescribing a criminal penalty for exhibit of any obscene motion picture shown in a commercial showing to the general public shall not apply to a projectionist, or assistant projectionist, if such projectionist or assistant projectionist has no financial interest in the show or in its place of presentation other than regular employment as a projectionist or assistant projectionist and no personal knowledge of the contents of the motion picture. The provisions of this section shall not exempt any projectionist or assistant projectionist from criminal liability for any act unrelated to projection of motion pictures in commercial showings to the general public.

Promoting obscenity to minors is a Class A violation.

Upon any conviction of promoting obscenity to minors, the court may require, in addition to any fine or imprisonment imposed, that the defendant enter into a reasonable recognizance with good and sufficient surety, in such sum as the court may direct, but not to exceed \$50,000, conditioned that, in the event the defendant is convicted of a subsequent offense of promoting obscenity to minors within two years after such convictions, the defendant shall forfeit the recognizance.

65. Section 11.7: Section 11.7 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) No person having custody, control or supervision of any commercial establishment shall knowingly:
 - (1) Display any material or device which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material or device;

- (2) Present or distribute to a minor, or otherwise allow a minor to view, with or without consideration, any material which is harmful to minors; or
 - (3) Present to a minor, or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.
- (b) Violation of subsection (a) is a Class B violation.
- (c) Notwithstanding the provisions of K.S.A. Supp. 21-5204, to the contrary, it shall be an affirmative defense to any prosecution under this section that:
- (1) The allegedly harmful material or device was purchased, leased or otherwise acquired by a public, private or parochial school, college or university, and that such material or device was either sold, leased, distributed or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school as part of or incidental to an approved course or program of instruction at such school.
 - (2) The defendant is an officer, director, trustee or employee of a public library and the allegedly harmful material or device was acquired by a public library and was disseminated in accordance with regular library policies approved by its governing body.
 - (3) An exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.
 - (4) With respect to a prosecution for an act described by subsection (a)(1), the allegedly harmful material was kept behind blinder racks.
 - (5) With respect to a prosecution for an act described by subsection (a)(2) or (3), the defendant had reasonable cause to believe that the minor involved was 18 years old or over, and such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 19 years old or more.
 - (6) With respect to a prosecution for an act described by subsection (a)(3), the allegedly harmful performance was viewed by the minor in the presence of such minor's parent or parents or such minor's legal guardian.
- (d) As used in this section:
- (1) **Blinder rack** means a device in which material is displayed in such a manner that the lower 2/3 of the material is not exposed to view.
 - (2) **Harmful to minors** means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse when the material or performance, taken as a whole or, with respect to a prosecution for an act described by subsection (a)(1), that portion of the material that was actually exposed to the view of minors, has the following characteristics:
 - (A) The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors;

- (B) The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and
 - (C) A reasonable person would find that the material or performance lacks serious literary, scientific, educational, artistic or political value for minors.
- (3) **Material** means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape or video tape.
 - (4) **Minor** means any unmarried person under 18 years of age.
 - (5) **Nudity** means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible state of sexual excitement.
 - (6) **Performance** means an motion picture, film, video tape, played record, phonograph, tape recording, preview, trailer, play, show, skit, dance or other exhibition performed or presented to or before an audience of one or more, with or without consideration.
 - (7) **Sadomasochistic abuse** means flagellation or torture by or upon a person clad in undergarments, in a mask or bizarre costume or in the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
 - (8) **Sexual conduct** means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals or pubic area or buttocks or with a human female's breast.
 - (9) **Sexual excitement** means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(e) The provisions of this section shall not apply to a retail sales clerk, if such clerk has no financial interest in the materials or performance or in the commercial establishment displaying, presenting or distributing such materials or presenting such performance other than regular employment as a retail sales clerk. The provisions of this section shall not exempt any retail sales clerk from criminal liability for any act unrelated to regular employment as a retail sales clerk.

66. Section 11.8: Section 11.8 of said Uniform Public Offense Code is hereby changed to read as follows:

Definitions of gambling terms used in sections 11.8, 11.9, and 11.10 shall be as follows:

(a) A **bet** is a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:

- (1) Bona fide business transactions which are valid under the laws of contracts including, but not limited to, contracts for the purchase or sale at a future date of securities or other commodities, and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance;
- (2) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the bona fide owners of animals or vehicles entered in such a contest;
- (3) A lottery as defined in this section;
- (4) Any bingo game by or for participants managed, operated or conducted in accordance with the laws of the state of Kansas by an organization licensed by the state of Kansas to manage, operate or conduct games of bingo;
- (5) A lottery operated by the state pursuant to the Kansas lottery act;
- (6) Any system of parimutuel wagering managed, operated and conducted in accordance with the Kansas parimutuel racing act; or
- (7) Tribal gaming.

(b) A **lottery** is an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance. A lottery does not include:

- (1) A lottery operated by the state pursuant to the Kansas lottery act; or
- (2) Tribal gaming.

(c) **Consideration** means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant. Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration.

Consideration shall not include sums of money paid by or for:

- (1) Participants in any bingo game managed, operated or conducted in accordance with the laws of the state of Kansas by any bona fide nonprofit religious, charitable, fraternal, educational or veteran organization licensed to manage, operate or conduct bingo games under the laws of the state of Kansas and it shall be conclusively presumed that such sums paid by or for such participants were intended by such participants to be for the benefit of the sponsoring organizations for the use of such sponsoring organizations in furthering the purposes of such sponsoring organizations, as set forth in the appropriate paragraphs of subsection (c) or (d) of section 501 of the internal revenue code of 1986 and as set forth in K.S.A. 79-4701, and amendments thereto;
- (2) Participants in any lottery operated by the state pursuant to the Kansas lottery act;
- (3) Participants in any system of parimutuel wagering managed, operated and conducted in accordance with the Kansas parimutuel racing act; or
- (4) A person to participate in tribal gaming;

- (d) (1) **Gambling device** means any:
- (A) So-called **slot machine** or any other machine, mechanical device, electronic device or other contrivance an essential part of which is a drum or reel with insignia thereon, and (i) which when operated may deliver, as the result of change, any money or property, or (ii) by the operation of which a person may become entitled to receive, as the result of chance, any money or property;
 - (B) Other machine, mechanical device, electronic device or other contrivance (including, but not limited to, roulette wheels and similar devices) which is equipped with or designed to accommodate the addition of a mechanism that enables accumulated credits to be removed, is equipped with or designed to accommodate a mechanism to record the number of credits removed or is otherwise designed, manufactured or altered primarily for use in connection with gambling, and (i) which when operated may deliver, as the result of chance, any money or property, or (ii) by the operation of which a person may become entitled to receive, as the result of chance, any money or property;
 - (C) Subassembly or essential part intended to be used in connection with any such machine, mechanical device, electronic device or other contrivance, but which is not attached to any such machine, mechanical device, electronic device or other contrivance as a constituent part; or
 - (D) Token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet.

The fact that the prize is not automatically paid by the device does not affect its character as a gambling device

- (2) **Gambling device** shall not include:
- (A) Any machine, mechanical device, electronic device or other contrivance used or for use by a licensee of the Kansas racing commission as authorized by law and rules and regulations adopted by the commission or by the Kansas lottery or Kansas lottery retailers as authorized by law and rules and regulations adopted by the Kansas lottery commission;
 - (B) Any machine, mechanical device, electronic device or other contrivance, such as a coin-operated bowling alley, shuffleboard, marble machine (a so-called pinball machine), or mechanical gun, which is not designed and manufactured primarily for use in connection with gambling, and (i) which when operated does not deliver, as a result of chance, any money, or (ii) by the operation of which a person may not become entitled to receive, as the result of the application of an element of change, any money;
 - (C) Any so-called claw, crane or digger machine and similar devices which are designed and manufactured primarily for use at carnivals or county or state fairs; or
 - (D) Any machine, mechanical device, electronic device or other contrivance used in tribal gaming.

(e) A **gambling place** is any place, room, building, vehicle, tent or location which is used for any of the following:

- (1) Making and settling bets;
- (2) Receiving, holding, recording or forwarding bets or offers to bet;
- (3) Conducting lotteries; or
- (4) Playing gambling devices.

Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

(f) **Tribal gaming** has the meaning provided by K.S.A. 74-9802, and amendments thereto.

(g) **Gambling** is:

- (1) Making a bet; or
- (2) Entering or remaining in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling device. (K.S.A. Supp. 21-6403; K.S.A. Supp. 21-6404)

Gambling is a Class B violation

67. Section 11.9: Section 11.9 of said Uniform Public Offense Code is hereby changed to read as follows:

11.9 COMMERCIAL GAMBLING.

Commercial gambling is knowingly:

- (a) Granting the use or allowing the continued use of a place as a gambling place; or
- (b) Permitting another to set up a gambling device for use in a place under the offender's control. (K.S.A. Supp. 21-6406)

Commercial gambling is a class B violation.

68. Section 11.10: Section 11.10 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) It shall be unlawful for any person to possess a gambling device.
- (b) It shall be a defense to a prosecution under this section that:

- (1) The gambling device is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or the defendant's possession. A slot machine shall be deemed an antique slot machine if it was manufactured prior to the year 1950; or
- (2) The gambling device is possessed or under custody or control of a manufacturer registered under the federal gambling devices action of 1962 (15 U.S.C. 1171 et seq.) or a transporter under contract with such manufacturer with intent to distribute for use:
 - (A) By the Kansas lottery or Kansas lottery retailers as authorized by law and rules and regulations adopted by the Kansas lottery commission;
 - (B) By a licensee of the Kansas racing commission as authorized by law and rules and regulations adopted by the commission;
 - (C) In a state other than the state of Kansas; or
 - (D) In tribal gaming
(K.S.A. Supp. 21-6408)

69. Section 11.11: Section 11.11 of said Uniform Public Offense Code is hereby changed to read as follows:

- (a) Cruelty to animals is:
 - (1) Knowingly abandoning any animal any place without making provisions for its proper care;
 - (2) Having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is need for the health or well-being of such kind of animal;
 - (3) Intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; or
 - (4) Intentionally causing any physical injury other than the acts described in subsection (a)(1).
- (b) The provisions of this section shall not apply to:
 - (1) Normal or accepted veterinary practices;
 - (2) Bona fide experiments carried on by commonly recognized research facilities;
 - (3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated, and amendments thereto;
 - (4) Rodeo practices accepted by the rodeo cowboys' association;
 - (5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for populations control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, a local or state

health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

- (6) With respect to farm animals, normal or accepted practices of animal husbandry including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;
- (7) The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;
- (8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;
- (9) Laying an equine down for medical or identification purposes;
- (10) Normal or accepted practices of pest control, as defined in subsection (x) of K.S.A. 2-2438a, and amendments thereto; or
- (11) Accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(c) As used in this section, (1) **Equine** means a horse, pony, mule, jenny, donkey or hinny; (2) **Maliciously** means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse. (K.S.A. Supp. 21-6412)

(d) If a person is adjudicated guilty of the crime of cruelty to animals, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

On a first conviction, cruelty to animals is a Class A violation.

70. Section 11.12: Section 11.12 of said Uniform Public Offense Code is hereby changed to read as follows:

(a) Unlawful possession of cockfighting paraphernalia is possession of, with the intent to use in the unlawful conduct of cockfighting, spurs, gaffs, swords, leather training spur covers or anything worn by a gamecock during a fight to further the killing power of such gamecock.

(b) Unlawful attendance of cockfighting is entering or remaining on the premises where the unlawful conduct of cockfighting is occurring, whether or not the person knows or has reason to know that cockfighting is occurring on the premises.

Unlawful possession of cockfighting paraphernalia is a Class A violation.

Unlawful attendance of cockfighting is a Class B violation.

No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3888," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Uniform Public Offense Code similarly marked, as may be deemed expedient.

Section 2. Ordinance No. 3870, adopted September 12, 2013, and as published September 16, 2013, is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its publication in The Hays Daily News, the official city newspaper.

PASSED by the Commission the 25th day of September, 2014.

APPROVED AND SIGNED by the Mayor this 25th day of September, 2014.

EBER PHELPS
Vice Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(SEAL)

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 9

MEETING DATE: 9-25-14

TOPIC:

2014 Standard Traffic Ordinance for Kansas Cities

ACTION REQUESTED:

Approve Ordinance No. 3889 adopting the 2014 version of the Standard Traffic Ordinance for Kansas Cities for use within the City of Hays.

NARRATIVE:

The League of Kansas Municipalities publishes a revised Standard Traffic Ordinance (STO) on a yearly basis. The STO contains the most current legislative changes and updates. The majority of the STO remain the same from year to year, with only a few changes made. A handout has been prepared noting the additions and/or changes.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
Don Scheibler, Chief of Police

ADMINISTRATION RECOMMENDATION:

Approve the ordinance as prepared by City Attorney John Bird.

COMMITTEE RECOMMENDATION(S):

NA

ATTACHMENTS:

Staff Memo
2014 Standard Traffic Ordinance Revisions Summary
Ordinance No. 3889 adopting the 2014 STO as prepared by City Attorney John Bird

Commission Work Session Agenda

Memo

From: Don Scheibler, Police Chief
Brian Dawson, Assistant Chief of Police

Work Session: September 18, 2014

Subject: 2014 Uniform Public Offense Code
2014 Standard Traffic Ordinance

Person(s) Don Scheibler, Police Chief
Responsible: Brian Dawson, Assistant Chief of Police

Summary

The Hays City Commission is being asked to adopt by ordinance, the updated 2014 Uniform Public Offense Code for Kansas Cities (UPOC) and the updated 2014 Standard Traffic Ordinance for Kansas Cities (STO) for use within the City of Hays. The ordinances and any changes to the UPOC and the STO are presented to the Commission annually. It is the recommendation of city staff that the Commission approve the ordinances adopting the 2014 revised UPOC and STO.

Background

The League of Kansas Municipalities (LKM) publishes a revised version of the Uniform Public Offense Code for Kansas Cities (UPOC) and the Standard Traffic Ordinance for Kansas Cities (STO) on a yearly basis. These publications are made available for purchase by municipalities. The municipalities may adopt these two sets of ordinances for their use. These ordinances contain the most current legislative changes and updates put into place annually by the Kansas Legislature.

Discussion

Normally, the majority of the Uniform Public Offense Code (UPOC) and Standard Traffic Ordinances (STO) remain the same from year to year, with only a few changes being made. This year there was an increase in the number of sections that were changed or amended. The majority of the changes to the UPOC were created by the recodification of the state criminal code that occurred in 2011. This was the first major recodification of Kansas criminal law since 1969. The goal was to reorganize the statutes, to place them in a more user-friendly order, revise the statutory language to add clarity, and combine statutes to reduce their number. The League of Kansas Municipalities (LKM) chose to gradually incorporate these changes in the state criminal code to the UPOC, and the

2014 edition reflects all of the changes made by the Legislature in the 2011 recodification.

The passing of House Bill 2578, the firearms bill, did cause several sections of the UPOC to be amended. Those changes are listed below:

Section 10.1.1 – Criminal Carrying of a Weapon

Subsections (a)(4) and (a)(5) were deleted from this section, because cities can no longer charge individuals for open carrying a firearm or transporting a loaded firearm in a vehicle.

Section 10.3 – Criminal Distribution of Firearms to a Felon

The name of this section was changed from Criminal Disposal of Firearm to Criminal Distribution of Firearms to a Felon. The section was reformatted but primarily remained the same.

Section 10.3.1 – Criminal Possession of a Firearm

This section was deleted. The offenses charged in this section 1) possession of a firearm by a person addicted to a controlled substance, 2) possession of a firearm on school property, and 3) refusing to surrender or remove a firearm from school property, were combined with Section 10.1 – Criminal Use of a Weapon.

Section 10.4 – Confiscation, Disposition of Weapons

While HB 2578 did not change the wording of Section 10.4, the bill did significantly change this section because confiscated weapons can no longer be destroyed unless they are in poor condition. The weapons must be forfeited to 1) the law enforcement agency, 2) the Kansas Bureau of Investigations, 3) a regional forensic center, or 4) the Kansas Department of Wildlife, Parks, and Tourism. The law enforcement agencies that seize the weapon may keep it for department use or sell it to a properly licensed federal firearms dealer. The Hays Police Department may be able to use these funds to purchase new equipment at no cost to the City.

There were few amendments to the state traffic statutes in 2014, and most of the changes to the STO are small in nature.

A handout has been prepared by staff noting the additions and/or changes to the UPOC and STO. A handout prepared by Ed Klumpp, Legislative Director for the Kansas Association of Chiefs of Police, listing a brief summary of the changes is also included with the Commission packet.

Legal Consideration

Ordinances adopting the UPOC and the STO have been drafted by the City Attorney for Commission Approval. There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

There are no financial considerations other than staff hours incurred drafting these ordinances.

Options

The Commission has the following options for consideration.

1. Approve the ordinances adopting the 2014 revised UPOC and STO.
2. Not approve the ordinances adopting the 2014 revisions, with the continuation of the 2013/current UPOC and STO.

Recommendation

It is the recommendation of city staff that the Commission approve the ordinances adopting the 2014 revised versions of the Uniformed Public Offense Code and Standard Traffic Ordinances.

Action Requested

Approve the ordinances adopting the 2014 revised UPOC and STO

Supporting Documentation

Draft ordinances adopting the 2014 UPOC and STO for use in the City of Hays
List of additions or changes made in the 2014 UPOC and STO
HB 2578 Summary

2014 Standard Traffic Ordinance Revisions

Prepared by Ed Klumpp.

Please report any errors or corrections to ed.klumpp@KsLawEnforcementInfo.com.

The following is a list providing the specifics of amendments made to the 2014 version of the Standard Traffic Ordinances published by the Kansas League of Municipalities. The list was compiled after several inquiries from cities for the information and confirming the League did not have such a list available.

There were few amendments to state traffic statutes in 2014, and it appears the League has completed a thorough review of the STOs and their related state statutes resulting in a large number of minor and clean-up amendments to the STOs, in addition to the 2014 state law amendments.

This list has not been reviewed by nor sanctioned by the Kansas League of Municipalities.

Section 1 – Definitions

Church Bus – Changed “motor vehicle” to “bus.” (From KSA 8-1730a which was not amended in 2014) NOTE: This brings this definition in line with KSA 8-1730a.

Day Care Program – Changed “mentally retarded and other handicapped persons” to “people with intellectual or other disabilities.” Changed “the severely and young retarded or handicapped” to “young people with severe intellectual and other disabilities.” (Reflects changes to KSA 39-1006, defining “Day Care Programs,” which was last amended in 2012.)

Day Care Program Bus – Added “or used by a child care facility licensed by the Kansas department of health and environment who provides transportation for children six and 18 years of age.” (From KSA 8-1730a which was not amended in 2014. KSA 8-1730 uses “six through 18 years of age.)

Electric Vehicle – Changed subsection numbers to (a) and (b) from (1) and (2). (From KSA 8-126 (g). NOTE: KSA 8-126 (g) still uses (1) and (2).)

Toxic Vapors – Changed subsection numbers to (a) through (o) from (1) through (15). (From KSA 21-5712. NOTE: KSA 21-5712 still uses (1) through (15).)

Section 11 – Manual and Specifications for Traffic Control Devices

Changes the referenced manual from “the manual and specifications adopted by the state highway commission” to “the state manual and specifications.”
Changes the KSA reference from KSA 8-2005a to KSA 8-2005.

Section 13.1 – Traffic Control Signal and Preemption Devices

Subsection (a) changed from “any person to possess” to “any person to knowingly possess” consistent with KSA 21-6324. Adds “Except as provided in subsection (c),” to subsection (a). (Technical clean up.)

Section 23 – Accident Involving Death or Personal Injury

Added subsection (c) requiring compliance with section 26.1. This makes it consistent with KSA 8-1602 subsection (d). It appears to me this amendment in the STO has moved subsections (b) (1) and (2) under subsection (c) but they should still be under subsection (b).

Section 24 – Accident Involving Damage to Vehicle or Other Property

Deleted. KSA 8-1603 was repealed in 2011. Although the title of section 23 doesn't reflect it, that section also covers what was in section 24.

Section 25 – Duty to Give Information and Render Aid

Added "or who is investigating the accident" to the end of subsection (a)(1); changed "20 days" to "10 days" in line six of subsection (c); and added "make and year of the vehicle" after "policy number" in line 14 of subsection (c). This is consistent with the amendment to KSA 8-1604 in 2011.

Section 27 – Duty to Report Accidents

Deleted. 8-1606 was repealed in 2011. Section 25 has the provisions that were in this section.

Section 30 – Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties

Added "or section 30.1" at the end of subsection (h)(2)(B). Changed referenced statute in subsection (n)(3) from "KSA 21-36a12" to "KSA 21-5712." (Technical clean up.)

Section 30.1 – Driving Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs

Added subsection (h) which is directive to the division of vehicles regarding administrative driver's license actions upon conviction. This results in renumbering the remaining subsections and changing any references to those amended subsection numbers. Changed referenced statute in subsection (n)(3) from "KSA 21-36a12" to "KSA 21-5712." (Technical clean up based on KSA 8-2,144.)

Section 30.3 – Ignition Interlock Devices; Tampering

Adds subsection (c) relating to the administrative action by the division of vehicles upon conviction to extend the required period for ignition interlock devices. This is consistent with KSA 8-1017 as amended in 2011.

Section 31 – Fleeing or Attempting to Elude a Police Officer

In subsection (a)(3), changed "under paragraph (1) of this subsection" to "under subsection (a)(1)." Split what was subsection (c) into subsections (c), (d)(1), and (d)(2) and adds the new KSA provision on how the first, second, third, or subsequent conviction is determined to subsection (d)(1). (Reflects 2014 amendments to KSA 8-1568.)

Section 41 – When Passing on the Right is Permitted

Added section (a)(3) relating to transit buses, bringing the STO into alignment with KSA 8-1517 as amended in 2010.

Section 43 – Further Limitations on Driving on Left of Center of Roadway

At the end of subsection (b), changed “vehicle turning into or from” to “vehicle turning left into or from.” This makes the STO the same as KSA 8-1519 which was last amended in 1987.

Section 54 – Turning Movements and Required Signals

Added commas before and after “in the manner provided herein” on lines 3 and 4 of subsection (c). (Technical correction.)

Section 62 – Highway Construction and Maintenance

Changed the reference from “KSA 8-1731” to “Section 172.” (Technical correction.)

Section 85 – Stopping, Standing, or Parking Prohibited in Specified Places

Adds “yield sign” to the list of signs in subsection (b)(4) with parking prohibited within 30 feet. (This is consistent with KSA 8-1571 which has always included “yield signs.”) Removed the duplicative “No person shall” from the beginning of subsections (d) and (e). (Technical correction.)

Section 106 – Transportation of Alcoholic Beverages

Added subsection (a)(2)(B) describing where open containers are allowed in a vehicle not equipped with a trunk. (This brings the STO in alignment with the amendment made to KSA 8-1599 in 2006.)

Section 111 – Crossing a Fire Hose

Changes “on any street or private driveway” to “on any street or private road, or driveway” making it consistent with the wording of KSA 8-1582 since 1974.

Section 124 – Riding in House Trailer or Mobile or Manufactured Home Prohibited

Added the references to the definitions in KSA 58-4202 for manufactured and mobile homes. Those references also exist in KSA 8-1578.

Section 133 – Lamps and Other Equipment on Bicycles

Changed “approved by the division” to “approved by the secretary of transportation” in subsection (a) relating to the rear reflector requirement. This is consistent with the provision existing in KSA 8-1592. Strikes “new bicycle or” from subsection (c) relating to the prohibiting sales without rear reflectors on the pedals. Makes this provision in the STO the same as in KSA 8-1592.

Section 154 – Visibility of Reflectors, Clearance Lamps, and Marker Lamps

Added “and identification lamps” to subsection (b) making it the same as KSA 8-1713 which was last amended in 1974.

Section 170 – School Buses

Amended subsection (a) by reformatting it, changing “required by this ordinance” to “required by this act”, and adding subsection (a)(2) requiring the white strobe light on buses manufactured after July 1, 2007. This makes the STO the same as KSA 8-1730.

Section 174 – Horns and Warning Devices

Added “whistle” to the list of prohibited devices in subsection (b) making this subsection the same as KSA 8-1738 last amended in 2004.

Section 182 – Child Passenger Safety Restraining Systems

In line 7 of subsection (h) listing exempted vehicles, deleted “or a motor-driven cycle” and added “a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds.” This makes the STO provision the same as in KSA 8-1343a which was last amended in 2005.

Section 192 – Driver’s License

Deleted “or operate” from the second line making it consistent with KSA 8-235.

Section 193 – Driver’s License in Possession

This STO is listed as being amended, however there were no changes. NOTE: This STO has some differences from KSA 8-244. Instead of “law enforcement officer” the KSA uses “officer of a court of competent jurisdiction or any peace officer, examiner or officer of the division of vehicles.” The STO does not include the option for the arrested person to produce the license at the “office of the arresting officer” which is an option in KSA.

Section 194 – Driving While License Canceled, Suspended, or Revoked

Added “or resolution” to the 9th line of subsection (a)(4)(A) making it the same as KSA 8-262, which was last amended in 2012. Also added “prior to its repeal” in two places in subsection (b)(3). (Technical corrections matching KSA 8-262.)

Section 200 – Motor Vehicle Liability Insurance

This STO, especially subsection (a), was rewritten to substantially be the same as KSA 40-3104, although not all provision of the KSA are included. At the end of the third line from the end of subsection (e), added “make and year of the vehicle” to the required data on the proof of insurance form, this has been in KSA 40-3104 in the past.

Section 201 – There were no changes.

Section 201.1 – Failure to Comply with a Traffic Citation

Subsection (b)(2)(B) was totally amended and subsection (b)(2)(C) was added to match the 2014 amendments to KSA 8-2110.

ORDINANCE NO. 3889

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYS, KANSAS, INCORPORATING BY REFERENCE "THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2014, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 3871, OF THE CODE OF ORDINANCES OF THE CITY OF HAYS, KANSAS, AS PASSED ON SEPTEMBER 12, 2013, AND AS PUBLISHED ON SEPTEMBER 16, 2013.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Hays, Kansas, that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, Edition of 2014, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts of portions as are hereafter omitted, deleted, modified or changed (words added appear in italics, words deleted appear as strikethrough):

1. Section 1: Section 1 of said Standard Traffic Ordinance is hereby changed to read as follows:

Church Bus. Every bus owned by a religious organization and operated for the transportation of persons to or from services or activities of such religious organization.

Day Care Programs. Those which provide day service for development in self-help, social, recreational and work skills for people with intellectual and other disabilities, giving priority to providing services for young people with severe intellectual and other disabilities.

Day Care Program Bus. Every bus used primarily to carry out functions of a day care program or used by a child care facility licensed by the Kansas department of health and environment who provides transportation for children six and 18 years of age.

2. Section 11: Section 11 of said Standard Traffic Ordinance is hereby changed to read as follows:

All traffic control devices shall conform to state manual and specifications (K.S.A. 8-

2005).

3. Section 13.1: Section 13.1 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) Except as provided in subsection (c), it shall be unlawful for any person to knowingly possess a traffic control signal preemption device.

(b) A person convicted of violating subsection (a) shall be guilty of a code violation and subject to a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment. (K.S.A. Supp. 21-6324)

(c) The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency vehicles, in the course of such person's emergency duties:

- (1) Publicly owned fire department vehicles;
- (2) Publicly owned police vehicles; or
- (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board.

4. Section 23: Section 23 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) The driver of any vehicle involved in an accident resulting in injury to, great bodily harm to or death of any person or damage to any attended vehicle or property shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of Section 25.

(b) A person who violates subsection (a) when an accident results in:

(c) The driver shall comply with the provisions of section 26.1.

- (1) Total property damages of less than \$1,000 shall be punished as provided in Section 201.
- (2) Any person who violates this section which results in injury to any person or property damages in excess of \$1,000 shall be punished by imprisonment for not more than one year or by a fine of not more than \$2,500, or by both such fine and imprisonment. (K.S.A. Supp. 8-1602)

5. Section 24: Section 24 of said Standard Traffic Ordinance relating to accidents

involving damage to vehicles or other property is hereby declared to be and is omitted and deleted.

6. Section 25: Section 25 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any attended vehicle or other property shall give such driver's name, address, and the registration number of the vehicle such driver is driving, and upon request shall exhibit such driver's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident, and shall give such information and upon request exhibit such license or permit and the name of the insurer and policy number to any police officer at the scene of the accident or who is investigating the accident.

(2) Such driver, insofar as possible, shall immediately make efforts to determine whether any person involved in such accident was injured or killed, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

(b) If no police officer is present, the driver of any vehicle involved in such accident, or any occupant of such vehicle 18 years of age or older, shall immediately report such accident, by the quickest available means of communication, to the nearest office of a duly authorized police authority if:

- (1) There is apparently property damage of \$1,000 or more;
- (2) Any person involved in the accident is injured or killed; or
- (3) The persons specified in subsection (a) are not present or in condition to receive such information.

(c) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with failing to provide the name of such person's insurance company and policy number as required in subsection (a), shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be

provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Such evidence also may be produced by displaying on a cellular phone or other type of portable electronic device evidence of financial security required by this subsection. Any person to whom such evidence of financial security is displayed shall view only such evidence of financial security. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic devices. (K.S.A. Supp. 8-1604)

- 7. Section 27: Section 27 of said Standard Traffic Ordinance relating to the duty to report accidents is hereby declared to be and is omitted and deleted.**
- 8. Section 30: Section 30 of said Standard Traffic Ordinance is hereby changed to read as follows:**

(a) Driving under the influence is operating or attempting to operate any vehicle within this city while:

- (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, is .08 or more;
- (2) The alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is .08 or more;
- (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
- (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
- (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (1) Driving under the influence is:

(A) An ordinance violation. On a first conviction of a violation of this section, the person convicted shall be sentence to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a

house arrest program to serve the remainder of the sentence only after such person has served 48 consecutive hours' imprisonment;

(B) On a second conviction of a violation of this section the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of 120 hours;

(2) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(h) For the purpose of determining whether a conviction is a first or second conviction in sentencing under this section:

- (1) Convictions for a violation of this section, K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
- (2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

- (A) Refusing to submit to a test to determine the presence of alcohol or drugs, as provided in K.S.A. Supp. 8-1025 or Section 30.2.1;
 - (B) driving a commercial motor vehicle under the influence, K.S.A. 8-2, 144, and amendments thereto; or section 30.1
 - (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
 - (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. Supp. 21-5405, and amendments thereto;
 - (E) aggravated battery as described in subsection (b)(3) of K.S.A. Supp. 21-5413, and amendments thereto; and
 - (F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;
- (3) **conviction** includes:
- (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (h)(2);
 - (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (h)(1) or (h)(2); and
 - (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (h)(1) or (h)(2) if committed off a military reservation in this state;
- (4) multiple convictions of any crime described in subsection (h)(1) or (h)(2) arising from the same arrest shall only be counted as one conviction;
- (5) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and
- (6) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, only once during the person's lifetime.
- (i) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
- (j) Upon conviction of a person of a violation of this section, the court may order the convicted person to pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) Upon the filing of a complaint, citation, or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

- (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
- (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., or K.S.A. 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(m) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(n) As used in this section:

- (1) **Alcohol Concentration** means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
- (2) **Imprisonment** shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.
- (3) **Drug** includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto. (K.S.A. Supp. 8-1567)

Ref.: For persons under 21 years of age, see also K.S.A. 8-1567a.

9. Section 30.1: Section 30.1 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle within this city while:

- (1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, is .04 or more;

- (2) The alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is .04 or more; or
 - (3) Committing a violation of subsection (a) of Section 30 of this ordinance.
- (b) (1) Driving a commercial motor vehicle under the influence is:
- (A) An ordinance violation. On a first conviction, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release;
 - (B) On a second conviction, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the five days' imprisonment mandated by this section only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and
- (2) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of a violation of this section who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the:

- (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and
- (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2, 142, and amendments thereto; and (2)

suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(i) The court is authorized to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(j) Upon the filing of a complaint, citation or notice to appear alleging a violation of this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(k) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section.

(l) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(m) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

- (1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
- (2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
 - (A) This section or K.S.A. 8-2, 144, and amendments thereto;
 - (B) refusing to submit to a test to determine the presence of alcohol or drugs, as provided in K.S.A. Supp. 8-1025, or Section 30.2.1;
 - (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

(D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. Supp. 21-5405, and amendments thereto;

(E) aggravated battery as described in subsection (b)(3) of K.S.A. Supp. 21-5413, and amendments thereto; and

(F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) **conviction** includes:

(A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (m)(2);

(B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (m)(1) or (m)(2); and

(C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (m)(1) or (m)(2) if committed off a military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) multiple convictions of any crime described in subsection (m)(1) or (m)(2) arising from the same arrest shall only be counted as one conviction.

(n) For the purpose of this section:

(1) **Alcohol concentration** means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) **Imprisonment** shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) **Drug** includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto. (K.S.A. Supp. 8-2, 144)

10. Section 30.3: Section 30.3 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) No person shall:

- (1) Tamper with an ignition interlock device, circumvent it or render it inaccurate or inoperative;
- (2) Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device;
- (3) Blow into an ignition interlock device, or start a motor vehicle equipped with such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or
- (4) Operate a vehicle not equipped with an ignition interlock device while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.

(b) Violation of this section shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment. (K.S.A. Supp. 8-1017)

(c) In addition to any other penalties provided by law:

(1) (A) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and

(B) On a second or subsequent conviction of a violation of subsection (a)(1) or (a)(2), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and

(2) on a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.

11. Section 31: Section 31 of said Standard Traffic Ordinance is hereby changed to read as follows:

- (a) (1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop shall be guilty as provided by subsection (c).
- (2) Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c).

(3) It shall be an affirmative defense to any prosecution under subsection (a)(1) that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

(b) The signal given by the police officer may be by hand, voice, emergency light, or siren:

- (1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or
- (2) If the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

(c) Every person convicted of violating subsection (a), shall upon first conviction be imprisoned for not more than six months or fined not to exceed \$1,000, or both. Every person convicted of violating this section shall upon a second conviction be punished by imprisonment not to exceed one year or fined not to exceed \$2,500 or both.

- (d) (1) For the purpose of this section **conviction** means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section it is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (2) **Appropriately marked** official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren both have been activated for the purpose of signaling a driver to stop a motor vehicle. (K.S.A. Supp. 8-1568)

12. Section 41: Section 41 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn; or
- (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (3) a transit bus authorized under and being operated in accordance with the provisions of K.S.A. 75-5091, and amendments thereto.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway, except as authorized under K.S.A. 75-5091, and amendments thereto. (K.S.A. 8-1517)

13. Section 43: Section 43 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) No vehicle shall be driven to the left side of the roadway under the following conditions:

- (1) When approaching or upon the crest of a grade of a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- (2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, except that this section shall not apply to any intersection on a state or county maintained highway located outside city limits unless such intersection is marked by an official department of transportation or county road department traffic control device or pavement marking or both indicating that passing is prohibited and such marking is placed at least 100 feet before the intersection; or
- (3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway nor under the conditions described in subsection (a)(2) of Section 38, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (K.S.A. 8-1519)

14. Section 54: Section 54 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last 100 feet traveled by vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal, in the manner provided herein, to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals required on vehicles by subsection (b) of Section 149 shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. (K.S.A. 8-1548)

15. Section 62: Section 62 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any road construction zone, indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle which is obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of Section 172.

(c) The driver of a motor vehicle upon approaching a stationary authorized vehicle which is obviously and actually engaged in work upon a highway, when such authorized vehicle is displaying flashing lights meeting the requirements of Section 172, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized vehicle; or
- (2) If the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall

proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather, and traffic conditions.

(d) This section shall not operate to relieve the driver of an authorized vehicle from the duty to drive with due regard for the safety of all persons using the highway. (K.S.A. Supp. 8-1531)

16. Section 85: Section 85 of said Standard Traffic Ordinance is hereby changed to read as follows:

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(a) Stop, stand or park a vehicle:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (2) On a sidewalk;
- (3) Within an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers; or
- (11) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:

- (1) In front of a public or private driveway;
- (2) Within 15 feet of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;
- (4) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;

- (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign-posted; or
 - (6) At any place when official signs prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
- (1) Within 50 feet of the nearest rail of a railroad crossing;
 - (2) At any place where official signs prohibit parking.
- (d) Move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) Stand or park a vehicle in areas designated as fire lanes upon public or private property. (K.S.A. 8-1571)

17. Section 106: Section 106 of said Standard Traffic Ordinance is hereby changed to read as follows:

- (a) No person shall transport in any vehicle upon a highway or street any alcoholic beverage unless such beverage is:
- (1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;
 - (2) (A) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
(B) if a motor vehicle is not equipped with a trunk, behind the last upright seat or in an area not normally occupied by the driver or a passenger; or
 - (3) In exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.
- (b) Violation of this section is punishable by a fine of not more than \$200 or by imprisonment for not more than six months, or both.
- (c) Except as provided in subsection (e) upon conviction or adjudication of a second or subsequent violation of this section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or

privilege to operate a motor vehicle on the streets and highways of this state for one year.

(d) Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(e) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of an person convicted of violating this section, as provided in subsection (c), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section.

Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such

person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(f) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic beverage.

(g) The court shall report to the division every conviction of a violation of this section. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(h) For the purpose of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section:

- (1) **Conviction** includes being convicted of a violation of an ordinance of any city, or resolution of any county, which prohibits the acts that K.S.A. 8-1599, as amended, prohibits;
- (2) Only convictions occurring in the immediately preceding five years shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second or subsequent offender, whichever is applicable; and
- (3) It is irrelevant whether an offense occurred before or after conviction for a previous offense. (K.S.A. Supp. 8-1599)

18. Section 111: Section 111 of said Standard Traffic Ordinance is hereby changed to read as follows:

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private road, or driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (K.S.A. 8-1582)

19. Section 124: Section 124 of said Standard Traffic Ordinance is hereby changed to read as follows:

Sec. 124. Riding in House Trailer or Mobile or Manufactured Home Prohibited.

No person or persons shall occupy a house trailer, manufactured home, as defined in subsection (a) of K.S.A. 58-4202, or mobile home, as defined in subsection (b) of K.S.A. 58-4202 while its being moved upon a public street or highway. (K.S.A. 8-1578)

20. Section 133: Section 133 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the secretary of transportation which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(c) No person shall sell a pedal for use on a bicycle unless such pedal is equipped with a reflector of a type approved by the secretary of transportation which is visible from the front and rear of the bicycle to which it is attached during darkness from a distance of 200 feet, and no person shall sell a new bicycle, unless it is equipped with pedals meeting the requirements of this subsection. (K.S.A. 8-1592)

21. Section 154: Section 154 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) Every reflector upon any vehicle referred to in Section 151 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility of reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between 500 feet and 50 feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between 500 feet and 50 feet from the side of the vehicle on which mounted. (K.S.A. 8-1713)

22. Section 170: Section 170 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) Every school bus, in addition to any other equipment and distinctive markings required by this act:

- (1) Shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight; and
- (2) every new school bus put into initial service after July 1, 2007, shall be equipped with a white flashing strobe light mounted on the roof of such bus to afford optimum visibility.

(b) Any school bus, in addition to the lights required by subsection (a), may be equipped with:

- (1) Yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet, but not more than 1,000 feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated; or
- (2) Head lamps which alternately flash on low beam or simultaneously flash on low beam, except such head lamps shall only be activated during daylight hours.

(c) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto (K.S.A. Supp. 8-1730)

23. Section 171: Section 171 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) As used in this section, **religious organization** means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.

(b) Any church bus, or day care program bus, in addition to any other equipment and distinctive marking required by law, may be equipped with:

- (1) Signal lamps which conform to the requirements of Section 170, and rules and regulations adopted pursuant thereto; and
- (2) A stop signal arm which conforms to requirements therefor applicable to school buses which have been adopted by rules and regulations of the state board of education. (K.S.A. 8-1730a)

24. Section 174: Section 174 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation shall give audible warning with his horn, but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

(c) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal may use a whistle, bell, horn or other audible signal but shall not use a siren.

(d) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the secretary of transportation, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

(e) Every truck specifically designed and equipped and used exclusively for garbage, refuse, or solid waste disposal operations shall be equipped with a whistle, bell, or

other audible signal. Such whistle, bell, or other audible signal shall be used only when the driver of the truck is backing such truck. Notwithstanding the provisions of this section, a city may adopt an ordinance prohibiting the activation of such whistle, bell, or other audible signal during specific periods of time during the day. (K.S.A. Supp. 8-1738)

25. Section 182: Section 182 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) Every driver who transports a child under the age of 14 years in a passenger car on a highway shall provide for the protection of such child by properly using:

- (1) For a child under the age of four years an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213;
- (2) For a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or
- (3) For a child 8 years of age but under the age of 14 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.

(b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such requirements, and all of these securing locations are in use by children, then there is not a violation of this section.

(c) If a securing location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).

(d) It shall be unlawful for any driver to violate the provisions of subsection (a) and upon conviction such driver shall be punished by a fine of \$60. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(e) The \$60 fine provided for in subsection (d) shall be waived if the driver convicted of violating subsection (a)(1) or (a)(2) provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsection (a)(1) or (a)(2), the law enforcement officer shall notify the driver of the waiver provisions of this subsection.

(f) No driver charged with violating the provisions of this section shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was 14 years of age or older at the time the violation was alleged to have occurred.

(g) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(h) As used in this section **passenger car** means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds (K.S.A. Supp. 8-1343a:8-1345)

26. Section 192: Section 192 of said Standard Traffic Ordinance is hereby changed to read as follows:

No person, except those expressly exempted, shall drive any motor vehicle or motorized bicycle upon any highway in this city unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment. (K.S.A. 8-235)

27. Section 194: Section 194 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) (1) Any person who drives a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a and amendments thereto, shall upon a first conviction be punished by imprisonment for not more than six months

or fined not to exceed \$1,000, or both such fine and imprisonment. On a second or subsequent conviction of a violation of this section such person shall be punished by imprisonment for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment.

- (2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257 and amendments thereto, to the return of such person's driver's license.
- (3) Except as otherwise provided by subsection (a)(4) or (b), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.
- (4) Except as otherwise provided by subsection (b), if a person:
 - (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2, 144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes; and
 - (B) Is or has been also convicted of a violation of K.S.A. 8-2, 144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) A person on a third or subsequent conviction of this section shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended, or revoked because such person:

- (1) Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;
- (2) Was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;
- (3) Was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442,

prior to its repeal or K.S.A. 21-5405, and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

- (4) Was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(c) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(d) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, **conviction** includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of any state which is in substantial conformity with this section. (K.S.A. Supp. 8-262)

28. Section 200: Section 200 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) Every owner shall provide motor vehicle liability insurance coverage in accordance with the provisions of this act for every motor vehicle owned by such person, unless such motor vehicle: (1) Is included under an approved self-insurance plan as provided in K.S.A. 40-3104(f); (2) is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such motor vehicle liability insurance coverage is provided by the school district or accredited nonpublic school; (3) is included under a qualified plan of self-insurance approved by an agency of the state in which such motor vehicle is registered and the form prescribed in subsection (b) of K.S.A. 40-3106, and amendments thereto, has been filed; or (4) is expressly exempted from the provisions of this act.

(b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.

(c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.

(d) (1) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. Such evidence of financial security which meets the requirements of subsection (e) may be displayed on a cellular phone or any other type of portable electronic device. The law enforcement officer to whom such evidence of financial security is displayed shall view only such evidence of financial responsibility. Such law enforcement officer shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall transmit a copy of the insurance verification form prescribed by the secretary of revenue with the copy of the citation transmitted to the court.

(2) No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the following paragraph. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.

(e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c) or (d) shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such evidence of financial security may be produced by displaying such information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is

displayed on a cellular phone or any other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle, and the effective expiration dates of the policy, or a certificate of self-insurance signed by the commission of insurance.

(f) Any person violating any provision of this section shall be guilty of a violation of this ordinance and subject to a fine of not less than \$300 nor more than \$1,000 or by imprisonment for a term of not more than six months, or both such fine and imprisonment, except that any person convicted of violating any provision of this section within three years of any such prior conviction shall be guilty of a violation of this ordinance and subject to a fine of not less than \$800 nor more than \$2,500 or by imprisonment for a term not to exceed one year, or both such fine and imprisonment. (K.S.A. Supp. 40-3104)

29. Section 201.1: Section 201.1 of said Standard Traffic Ordinance is hereby changed to read as follows:

(a) It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to:

- (1) Appear before the municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or
- (2) Otherwise comply with a traffic citation issued for an ordinance traffic infraction. Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing, or stopping, the municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic

citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

- (2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 applicable fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges.

(B) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund. An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of driving while suspended conviction.

(C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such

compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:

- (i) In going to or returning from the person's place of employment or schooling;
- (ii) In the course of the person's employment;
- (ii) in going to or returning from an appointment with a health care provider or during a medical emergency;
- (iv) In going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

(c) Except as provided in subsection (d), when the municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$59 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto.

(d) The municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the State of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. (K.S.A. Supp. 8-2110, as amended)

No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted By Ordinance No. 3889", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to

inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.

(b) All traffic violations which are included within this ordinance and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than -0- nor more than \$2,500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed \$2,500.00.

Section 4. Ordinance No. 3871, as passed on September 12, 2013, and as published on September 16, 2013, is hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after its publication in The Hays Daily News, the official city newspaper.

PASSED by the Commission the 25th day of September, 2014.

APPROVED AND SIGNED by the Mayor this 25th day of September, 2014.

EBER PHELPS
Vice Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 10

MEETING DATE: 9-25-14

TOPIC:

Ordinance No. 3890 Repealing Certain Provisions regarding Taxi Cabs

ACTION REQUESTED:

Approve Ordinance No. 3890, an ordinance repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas regarding taxi cabs.

NARRATIVE:

March 1996 was the last time taxi cab licensing in Chapter 14, Article IV of the City of Hays Code of Ordinances was reviewed. Given the recent activity of two taxi cab businesses it has become apparent that licensing taxi cabs are no longer a good use of City resources. Staff recommends the City Commission approve Ordinance No. 3890 repealing certain provisions regarding taxi cabs.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
Kim Rupp, Director of Finance

ADMINISTRATION RECOMMENDATION:

City staff recommends the City Commission approve ordinance No. 3890 repealing certain provisions of the code of ordinances regarding taxi cab licensing.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memo
Ordinance No. 3890

Commission Work Session Agenda

Memo

From: Kim Rupp, Director of Finance

Meeting: September 18, 2014

Subject: Ordinance Repealing Taxi Cab Licensing

Person(s) Responsible: Kim Rupp, Director of Finance
Brenda Kitchen, City Clerk
Don Scheibler, Chief of Police

Summary

March 1996 was the last time taxi cab licensing in Chapter 14, Article IV of the City of Hays Code of Ordinances was reviewed. Given the recent activity of two taxi cab businesses, staff feels that licensing taxi cabs are no longer a good use of City resources. Staff recommends the City Commission approve the Ordinance repealing certain provisions regarding taxi cabs.

Background

Chapter 14, Article IV, Section 14-206 through 14-215 regulates and sets fees for taxi cab licensing. Section 14-213 provides for an annual license fee of \$10 plus a \$10 fee for each vehicle or taxicab to be used by the applicant to cover the cost of the vehicle inspections required. Section 14-215 provides for the clerk to collect a \$5 individual taxi driver's license fee per driver. This code has not been reviewed and/or re-visited since March 1996.

Given the City now has two taxi cab businesses several individual license applications have been processed and only a few have resulted in actual licenses being issued. The taxi cab companies are going through an inordinate amount of applications and drivers. They have expressed that many of their applicants are job hopping and often times don't even start with them by the time the entire process discussed below is completed. There have been a total of 23 background checks completed so far in 2014 directly related to taxi cab licenses.

A check of the City Clerk listserv revealed most cities or towns in the area do not have taxi cabs due to their small size and lack of demand. Staff researched and found the following examples of taxi cab licensing fees in the state.

- * Abilene-\$35 fee per vehicle plus a \$10 fee per taxi cab identification card issued
- * Salina-\$39 fee plus a \$16.50 fee per cab per year
- * Russell-\$25 per vehicle annually (has not changed since 1973)
- * Dodge City-\$100 for the first cab per year, \$50 each additional per year

Discussion

The first step in processing a taxi cab license application is requesting the Police Department (PD) to conduct a background check on each driver.

Once the PD receives the application, they obtain the applicant's driver's license record. They do a search of the PD and Ellis County Sheriff's Office record systems and research the applicant's involvement in any cases they find on record. PD contacts the Hays Municipal Court, Ellis County District Court, and Ellis County Attorney's office and requests any information they can release on the applicant. These usually only take a phone call and possibly a walk through the building to complete. If they learn the applicant is a recent transplant to our area, they request any available information from the municipal court and district court where they moved from. That usually takes a formal letter of request that must be mailed, and it can be a lengthy process. It usually results in at least a follow up phone call or two and up to a couple of weeks to complete. The actual time it takes to complete the background process can vary greatly between applicants. A local person with minimal record could be completed in an hour or so of actual work if done start to finish in one sitting. With applicants that have extensive local police contacts, or when they have to contact other jurisdictions, the background can easily take two work hours or more to complete. The Police Lieutenants are charged with completing the taxi cab background checks. The \$5 fee is designed to cover the costs of all of the above described processing.

If the background checks are good then the City Manager reviews the application, approves if he deems appropriate and the necessary steps are taken to put on a commission agenda. If the commission approves the applicant then the Public Works department is sent paperwork to complete a taxi inspection report on each vehicle to be used for the taxi service. The \$10 per vehicle fee is designed to cover the costs of the inspections.

In the meantime IT is completing the printing and laminating of the picture taxi license to be given to the driver.

Once this entire process is complete the City Clerk contacts the Taxi company to let them know if they have been completely approved and when their driver is able to pick up the license. The City Clerk then sets the company up on an annual renewal calendar for review and re-inspection.

Therefore several factors weighed into whether this process was a good use of City resources.

1. The city does not regulate/license most other local business to this degree.

2. It takes the involvement of four different departments to license one taxi driver and five different departments when establishing the business
3. There is a concern that the City may be assuming some liability in the background checks and vehicle inspections
4. The City Attorney confirmed there are no state statutes that require the city to monitor and license the taxi industry
5. The fees collected do not cover the costs incurred during the process

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

The \$25 total fees collected are not recouping the cost of processing taxi cab licensing or their taxi cab driver applicants. The time involved in a normal background check by the PD Lieutenants is valued at \$45.83. Creating a picture ID by the IT department and vehicle inspection at the Public Works department costs a total of \$36.29. Total time for the City Clerk's and City Manager's processing and evaluation totals \$64.35. Therefore the total cost to the city in setting up one taxi cab business, vehicle, and driver is \$146.47.

Options

- 1) Approve the Ordinance repealing certain provisions of the code of ordinances regarding taxi cab licensing.
- 2) Provide staff with other direction
- 3) Do nothing

Recommendation

City staff recommends the City Commission approve the ordinance repealing certain provisions of the code of ordinances regarding taxi cab licensing.

Action Requested

Move to approve the ordinance repealing certain provisions of the code of ordinances of the City of Hays, Kansas regarding taxi cabs.

Supporting Documentation

Ordinance

ORDINANCE NO. 3890

**AN ORDINANCE REPEALING CERTAIN PROVISIONS OF
THE CODE OF ORDINANCES OF THE CITY OF HAYS,
KANSAS REGARDING TAXICABS.**

WHEREAS, the Governing Body of the City of Hays, Kansas recommends repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas regarding taxicabs;

WHEREAS, upon due consideration it appears that the best interests of the City of Hays, Kansas, will be subserved by repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas regarding taxicabs;

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

Section 1. That the following provisions of the Code of Ordinances of the City of Hays, Kansas, are hereby repealed in their entirety:

1. Chapter 14 Businesses, Article IV Taxicabs, Section 14-206, Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Street means and includes any street, avenue, alley, lane, court or public place in the city.

Taxicab means and includes any and all motor vehicles carrying passengers for hire for which public patronage is solicited, but shall not include a vehicle:

- (1) Used exclusively for carrying passengers over fixed routes;
- (2) Owned by a licensed mortician while used in conjunction with a funeral service; or
- (3) The operation of which is financed in whole or in part by federal grant funding and an inspection of which is required by the granting agency on at least an annual basis.

2. Chapter 14 Businesses, Article IV Taxicabs, Section 14-207, Inspection of vehicle.

It is unlawful to operate a taxicab unless it is in good mechanical and physical condition. In the interest of public safety, any taxicab operated in the city shall be submitted to the city for inspection every six months. Such inspection shall be made to determine whether a taxicab is equipped with safely operating seat belts, brakes, lights, tires, horn, muffler, rearview mirror,

windshield wipers, taximeter, and knobs or handles upon the inside of all doors by which each door can be easily opened. If the inspection shows that any taxicab is unsafe or unsuitable for taxicab service, a written notice shall be served upon the licensee, operator, agent or employee in charge of such taxicab to remedy such defect within any period fixed by the city not exceeding 24 hours or to discontinue the use of such taxicab or vehicle, and should the licensee fail or refuse to comply with such order, then the license for such vehicle may be revoked and such license shall be subject to the penalty provided in Section 1-13.

3. Chapter 14 Businesses, Article IV Taxicabs, Section 14-208, Rates to be posted.

Each licensee shall file and maintain a copy of the current fares or rates for the carriage of persons or property with the city clerk and exhibit a copy of such schedule in each taxicab.

4. Chapter 14 Businesses, Article IV Taxicabs, Section 14-209, Taxicab license required.

It is unlawful for any person, whether acting as owner, principal, agent, employee, lessee or licensee, to operate or permit to be operated upon the streets of the city, any taxicab without first having procured a license therefor as provided in this article.

5. Chapter 14 Businesses, Article IV Taxicabs, Section 14-210, Application; contents; approval.

(a) Any person whether acting as owner, principal, agent, employee, lessee, or licensee, in order to secure a license as provided in this section for the operation of a taxicab for the carrying of passengers for hire within the city, shall file an application with the city clerk for such license, which application shall be made by the owner of such taxicab on a blank form provided by the city clerk and shall contain the following information for each taxicab to be operated:

- (1) Full name and address of the owner;
- (2) Length of time vehicle has been in use;
- (3) Number of persons vehicle is designed to carry;
- (4) Complete description of such vehicle, including motive power, model, and vehicle identification number;
- (5) State license number;
- (6) Principal place of business;

(7) Telephone number;

(8) Office address of owner; and if the owner is a corporation, the name and address of the resident agent of such corporation; and if the owner is a partnership, then the names of all partners; together with such other information as the city manager may require;

(9) The trade name under which the taxicab shall be operated; and

(10) The color or distinctive design of the body, if any.

(b) The application shall also be signed by the owner, if he is an individual, one partner if it is a partnership, and the managing officer of the corporation if it is a corporation.

6. Chapter 14 Businesses, Article IV Taxicabs, Section 14-211, Insurance policies, approval.

Before any license for a taxicab or vehicle carrying passengers for hire within the corporate limits of the city shall be issued under the provisions of this article, the owner and operator shall file with the city clerk an insurance policy approved by the commission, providing insurance coverage for each and every taxicab or vehicle carrying passengers for hire, owned, operated, or leased by such person, with public liability coverage of not less than \$500,000.00 combined single limit for bodily injury or property damage; and such insurance coverage driven by the owner, his agent, employee, lessee or licensee. Such insurance policy shall be written with a company rated A or better and which has been admitted to write business in the state. Such insurance policy shall also contain all of the conditions required by laws of the state and by the Insurance Commissioner of the state and shall carry a uniform endorsement for the actual notice to the city of any changes thereon; such policy and endorsement of such policy shall be in a form approved by the city attorney, and such insurance policy shall further provide that it cannot be cancelled until ten days' written notice shall have been filed with the city clerk.

7. Chapter 14 Businesses, Article IV Taxicabs, Section 14-212, Approval or denial of taxicab license.

The city manager shall review the taxicab license application to determine compliance with this article and report the findings and his recommendation for approval or denial to the commission. The commission shall approve or deny the application taking into consideration the city manager's recommendation, whether it is in the best interest and convenience of the general public to have additional taxicabs beyond those already operating in the city, and whether approving the application would for any other reason be detrimental to the public interest and welfare.

8. Chapter 14 Businesses, Article IV Taxicabs, Section 14-213, Issuance of license; fee; durational transfer; suspension.

(a) Upon the approval of the application, as provided in Section 14-210, and furnishing of an insurance policy, as stated in Section 14-211, and upon paying an annual license fee of \$10.00, and upon paying a fee of \$10.00 for each vehicle or taxicab to be used by the applicant to cover the cost of the vehicle inspections required in this article, a license shall be issued to such applicant which shall be for a term expiring on December 31 each year, and such license may be transferred from one vehicle to another owned by the same person; provided that, in all cases, the number of taxicabs or vehicles owned or operated by the same person at any one time does not exceed the number of licenses applied and paid for; and further provided that the vehicle to which the license is transferred has passed the inspection required in [Section 14-207](#) and the required inspection fee has been paid. All transfers must be reported in writing to the office of the city clerk within 48 hours.

(b) If a taxicab company operates or permits the operation of a taxicab in violation of this article, the city manager may suspend its taxicab company license for a period of up to ten days. The suspension may be appealed to the city commissioners by filing a notice of appeal with the city clerk, which appeal shall be heard by the city commissioners at its next regularly scheduled meeting.

(c) In the event of a second violation within a licensing year, in addition to the suspension provided for in subsection (a) of this section, the city manager may recommend to the city commissioners that the taxicab company license be revoked. The city manager's recommendation will be heard by the city commissioners at the earliest regularly scheduled meeting which will allow for five days' written notice of the hearing to the taxicab company.

9. Chapter 14 Businesses, Article IV Taxicabs, Section 14-214, Driver to be licensed; application requirements.

(a) *Application requirements and procedures.*

(1) Before any person shall drive or operate a licensed taxicab or vehicle for hire either as owner or operator, he shall have in his possession a valid driver's license issued by the state and he shall apply for and obtain a driver's license as such from the city clerk as provided in this article.

(2) Every applicant for a driver's license must be a person of the age of 18 years or older.

(3) Such applicant shall fill out the form to be provided by the city clerk, giving his full name, his address, date of birth, state driver's license number, the name of the taxicab company by which the applicant is employed, and shall be further required to

answer to questions upon such application in order to determine his qualifications as a taxicab operator.

(4) Upon receipt of such application, the chief of police shall cause an investigation to be made of the facts set forth in the application and of the record of such applicant in the municipal court, the county district court and any other courts in which the chief of police may have reason to believe the applicant has a record. The information secured from such investigation shall be forwarded to the city manager. The city manager shall consider the application and police chief's report in determining if the applicant is fit to transport the public and if he so determines then the city clerk will be directed to issue a license. Any denial of an application may be appealed to the commission at the next regular meeting of the body after such denial.

(b) *License requirements.* An operator's license shall contain a photograph of the applicant posted on it, and shall be exhibited in any taxicab driven by the licensee, the photograph to be taken by the chief of police at the time the license is granted.

(c) *Revocation of license.* The license of any driver may be revoked at any time after reasonable notice and an opportunity for a hearing before the commission for any of the following reasons:

- (1) Violation of any provision of this article;
- (2) Conviction of violation of any federal or state law;
- (3) Operating a vehicle while under the influence of drugs or alcohol;
- (4) Reckless driving;
- (5) Transporting an open container;
- (6) Leaving the scene of an accident;
- (7) Failure to make full report of an accident to the police department;
- (8) Permitting another person to use his license;
- (9) Upon conviction of a second major traffic violation during any one license year. The term "major traffic violation" is defined to include speeding, nonobservance of traffic lights or signs, improper brakes, making a left or U-turn where not permitted, or driving on the wrong side of the street.

10. Chapter 14 Businesses, Article IV Taxicabs, Section 14-215, Driver license fee; expiration.

Before any such driver's license shall be issued, the applicant shall pay therefor to the city clerk a license fee of \$5.00 for such license, which shall expire on December 31 of each year, and such license fee shall cover and include the cost of the photograph to be taken of such applicant by the chief of police. The driver's license application process set forth in this article shall be required annually prior to the issuance of a driver's license by the city.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication in the Hays Daily News, the official city newspaper.

PASSED by the Commission on September 25, 2014.

EBER PHELPS
Vice Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(SEAL)

COMMISSION INFORMATIONAL MEMORANDUM

TO: City Commission
FROM: Toby Dougherty, CPM
City Manager
DATE: September 19, 2014

Attached are the following items:

1. The minutes of the April 22, 2014 meeting of the **Hays Convention and Visitors Bureau Advisory Committee.**
2. The minutes of the June 12, 2014 meeting of the **Northwest Kansas Community Corrections Board.**
3. The minutes of the August 4, 2014 meeting of the **Airport Advisory Committee.**
4. The minutes of the August 4, 2014 meeting of the **Fort Hays Municipal Golf Course Advisory Board.**
5. The minutes of the August 12, 2014 meeting of the **Hays Public Library Board.**
6. The minutes of the August 13, 2014 meeting of the **Hays Area Board of Zoning Appeals.**
7. The minutes of the August 15, 2014 meeting of the **Downtown Hays Development Corporation Board.**
8. The minutes of the August 19, 2014 meeting of the **Ellis County Wellhead Protection Committee.**
9. The minutes of the August 21, 2014 meeting of the **Hays Beautification Committee.**
10. The minutes of the August 21, 2014 meeting of the **Sister Cities Advisory Board.**
11. The **2014 Enplanements Report for the Hays Regional Airport.**
12. The September 2014 **SkyWest Airlines On-Time Report** for the Hays Regional Airport.

If you have any questions regarding this information, please do not hesitate to contact me.

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**HAYS CONVENTION & VISITORS BUREAU
MINUTES
Tuesday, April 22nd, 2014**

**Noon Lunch Meeting
Welcome Center Conference Room
2700 Vine Street**

PRESENT

Jane Matlock – Chair
Marjorie Dansel
Connie Schmidt

Lorraine Howerton
Andy Stanton

Staff

Jana Jordan, CVB
Ruben Schuckman, CVB

Janet Kuhn, CVB

ABSENT

Stacey Smith

Sabrina Symns

Guests

Kent Steward
Tammy Younger

Shawn Patel

The Hays Convention and Visitors Bureau Advisory Committee Meeting was called to order by Chair Jane Matlock.

MINUTES FOR THE APRIL MEETING – Jana

Andy made a motion to accept the minutes from the April meeting. Lorraine seconded the motion...motion carried.

2015 PROPOSED BUDGET – Jana

(Attached please find the proposed budget for 2015.)

Director & Staff Reports – Staff

It being a long meeting there were no staff reports.

There being no other business the meeting was adjourned.

**Northwest Kansas Community Corrections
Governing Board Meeting Minutes
June 12, 2014
Hays, Kansas**

Present were: Bruce Buck, Bryan Byrd, Karen Griffiths, Stacie Minson, Robert Paxson, Larry Poore, Mike Smith, Ron Speier, Marcia Tacha, Richard Thompson, Daniel Thornton, Mahlon Tuttle, Barb Wasinger, Mary Ellen Welshhon

Excused were: Ken Badsky, Judge Pat Carroll, Tom Drees, Sue Evans, Byron Hale, Judge Paula Hofaker, Michael Kirchoff, Richard Ress, Orvella Romine, Koran Thadani, Pelgy Vaz

Absent were: None

Roll call was taken and there were fourteen board members present, the other eleven board members not present were excused.

Mike Smith brought the meeting to order. The action items for both juvenile and adult services were the first things on the agendas because one board member had to leave early.

The next item on the agenda was the approval of the minutes. Stacie Minson wanted Director to add to the previous March minutes that the Directors evaluations would be discussed at the meeting. Director advised he would return to office after the meeting so he would not forget get the minutes changed. Mary Ellen made a motion to approve the minutes with the Directors evaluation to be placed on the agenda and Barb Wasinger seconded the motion and the motion was carried.

The next item on the agenda was the Directors evaluation. Mike Smith went over the Directors evaluation scores and comments with the Board.

The next item on the agenda was the FY 15 comprehensive plan and salary increases for the employees. Director told the Board that the Risk Reduction subcommittee that was developed by the Board approved the FY 15 comprehensive plan. Director told the Board that he would gladly provide a copy of the entire plan to any Board member that wanted a copy of the plan. Director told the Board that part of the FY 15 plan included budgets and a 3% salary increase for the employees. Director provided the Board with all the current employee salaries, years of experience, and projected 3% salary increases. Barb Wasinger made a motion to approve the FY 15 comprehensive plan and the employee's salary increases. Marchia Tacha seconded the motion and motion carried. All employees will receive a 3% salary increase. Director Trembley expressed his appreciation for the support the Governing Board has given to the NWKCC organization and the employees.

The next item on the agenda was the parole contract. Barb Wasinger requested a copy and Director assured her that he would make sure she received a copy of the contract.

Richard Thompson made a motion to accept the parole contract and Ron Speier seconded the motion and the motion carried.

Next item on the agenda was the domestic violence program and the award Tom Runge received from the Kansas Attorney General's office for having the most outstanding BIP in the corrections field. Director expressed his appreciation to have Tom back after his trouble with some bad health. Mr. Runge told the Board that it was good to be back and in full swing with his programs. Mr. Runge told the board that his wife plays a big part of these programs. Mr. Runge has seen an improvement in the attitude of domestic violence offenders over the years. Mr. Runge will have a power point presentation at one of the Board meetings in the future. Mr. Runge then thanked the Board for all their support.

Next item on the agenda was the NWKCC Peer Mentoring program. Shawna Currie, NWKCC Peer Support Mentor, introduced herself to the Board. She let the Board know that she spends two days in the Hays office and three days at Norton Correctional Facility. So far, Shawna has had 24 matches. Fifteen mentors have been trained.

Next item on the agenda was Erin Geist being selected to be on the Governors Behavioral Health Council for mentally ill offenders. Erin Geist was one of community corrections officers statewide to be on the counsel.

Next item on the agenda was offender data. Director provided all the in-house program data that NWKCC has developed. There were no questions in regards to the data.

Next item on the agenda was the Justice Reinvestment Act and Byrne/Jag grants. Director told the board that he will be writing the JAG Grant along with JRI grant. NWKCC will receive notice from KDOC by July 14th if NWKCC received the grant. Director told the Board he wants to be the cognitive-behavioral specialist for the program in Hays. Director explained the program has thirteen one hour sessions and is two months long. Director wants to hold both sessions on the same day. Dan Thornton wanted to make sure Director could take on this duty. Director told the Board that he wanted to try to do this for a year and if it was too much he would be honest with the Board about continuing to do it. Karen Griffiths also asked the Director who was going to train him. Director advised that he has continually had "Thinking for A Change" training over the years. Director also advised that with the first group, Director is going to have Dian Organ who is the cognitive-behavior specialist for the Colby and Norton office co-facilitate the program with him. Stacie Minson also told the Board that if Director wants to keep working for NWKCC after retirement NWKCC would already have in place a cognitive behavioral specialist.

Next item on the agenda was the budgets. Director went over all the budgets and there were no questions in regards to the budget.

Next item on the agenda was the Fidelity & Quality Assurance Project. Assistant Director Ray Dreher told the Board about how well NWKCC scored on the project and talked to the Board about the components of the project and the LSI-R.

The meeting was adjourned after Assistant Director Ray Dreher's presentation.

Airport Advisory Committee Meeting Minutes
August 4, 2014

Members Present;

Gary Wentling

Mike Konz

Dan Stecklein

I.D. Creech

Shawn Musil - guest from City Commission

Chris Springer

John Braun

Errol Wuertz

Lyle Noordhoek

1.) Call to Order.

2.) Approval of July 7, 2014 Minutes.

Line item 4 that discussed the fly-in had the incorrect date of June 13, 2005 for the next fly-in. The date should be June 13, 2015.

3.) Discuss Fly-In Update.

The breakfast for pilots that was arranged for this year will be similar next year. It was suggested that Rans be contacted to see if they want to participate next year.

4.) Discuss Terminal Expansion - Update.

Work has started on the project. The temporary internal secure area has been constructed and is in use. There are barricades around the work zone. Foundation work is about to start. Ground breaking ceremony will be 10:00 am tomorrow morning. The project is scheduled to be completed by the middle of February. Every Tuesday morning at 9:00 am there will be a construction review meeting.

5.) Discuss Essential Air Service Update.

Sky West is now flying out of Hays. There have been an average of 20+ passengers coming into Hays per flight and a few less going out. Not really enough data for measurement since the airline has only been operating for 4 days out of Hays.

6.) Discuss Airport Promotion Update.

There have been advertisements in newspapers, television and radio. Sky West developed the television advertisement and radio spots. Gary Wentling suggested we ask the Chamber of Commerce if they could put something on their sign on Vine Street to help with the promotion. Another highly visible sign is the one on at 43rd and Vine.

7.) Discuss Apron& Parking Lot Repairs and Painting.

Some new tie downs for aircraft are on order. There are new marking for the tie down area. The City is planning to make a long term parking lot extension east of the current airport parking area.

Jim Lamb from the FAA would like to visit Hays on August 14th to talk to pilots about how to operate safely with the new airline operations in Hays.

8.) Discuss Danny Dinkel and High Planes Aerial.
No new discussions since last meeting.

9.) Schedule Next Meeting.
September 8, 2014 at 6:30 PM.

10.) Adjourn.

Respectfully Submitted,

Mike Konz

**Fort Hays Municipal Golf Course
Advisory Board Meeting
August 4, 2014**

In Attendance:

| | |
|--|---|
| Jim Krob, President | Jeff Boyle, Director, Parks Department |
| Ron Speier, Vice President | Travis Haines, Parks Superintendent (absent) |
| Karen Schueler, Secretary (absent) | Kevin Kamphaus, Golf Course Superintendent |
| Bill Bieker | |
| Ron Augustine | Rich Guffey, ProShop Manager, Tournament Chair (absent) |
| Doug Huston, Men's Association | |
| Janet Schmidt, Ladies Association (absent) | |

The meeting was called to order at 5:30 pm by President Jim Krob.

1. Approval of the minutes from July 2014 meeting: Approved as written. (Note: Ron Augustine was not Past President of the Men's Association)

2. Board membership: current status - appointed members (3 year terms)

| | | |
|--------------------------------|-----------------------------|--------------------------------|
| <i>Bill Bieker 07/01/15</i> | <i>Ron Speier, 07/01/16</i> | <i>Jim Krob, 07/01/17</i> |
| <i>Karen Schueler 07/01/15</i> | | <i>Ron Augustine, 07/01/17</i> |

Jim Krob and Ron Augustine have been appointed to three year terms.

3. Old Business:

There is \$60,000 available to repair cart paths. Jeff and Kevin have met regarding this, and feel it can be done "in house" to make better use of funds. Kevin has done this at Quail Ridge, and is willing to supervise the work. Rodeo arena staff will be approached to allow equipment access through the rodeo grounds.

4. New Business:

** Disabled Golfers Policy*

ADA players must be allowed to drive their carts near tee boxes and greens, except in wet conditions when they must stay on the cart paths, as all other golfers will have to do. An ADA player with a flag should be in a cart by them self. Jeff and Kevin will work on changing the wording in the handicap policy. Kevin will be replacing the current red handicap flags with blue flags.

5. Pro-Shop report: Rich Guffey was absent.

| | Rounds Played | | | Year-to-Date Rounds Played | Greens Fees Paid | Total Greens Fees for Year |
|------|---------------|------|------|---|------------------------------------|-------------------------------|
| | 2014 | 2013 | 2012 | | | |
| July | 3076 | 3330 | 3110 | 13,265 (2014) 13,953 (2013) 14,570 (2012) | | |
| June | 3029 | 3379 | 2980 | | \$ 19,802.00 \$16,682.00 (2013) | \$ 64,096.00 |
| May | 3326 | 3190 | 3203 | | \$22,986.00 | |

| | | | | | | |
|----------|------|------|------|---|--------------------|---|
| | | | | | \$16,327.00 (2013) | |
| April | 1859 | 1912 | 2564 | | \$ 9,796.00 | \$ 20, 861.00 |
| March | 966 | 897 | 2139 | | \$ 5,139.00 | \$ 8,170.00 |
| February | 292 | 489 | 474 | | | |
| January | 717 | 456 | 23 | | | |
| | | | | | | |
| | | | | End of year 2013 / 21,945 2012 / 23, 649 2011 / 22,990 | | 2013 - \$109,446.00 2012 - \$115, 742.00 |

6. Tournament report: Coffeyville Resources cancelled and moved their tournament to Smoky Hill Country Club, because of dining facilities. FHSU Football Alumni cancelled due to lack of participation.

7. Course report: Kevin Kemphaus reported areas on the greens repaired with sod; verti-cutting, top-dressing, and flushing have been done. Tee boxes were sprayed for Bermuda control. Tee boxes and fairways have been sprayed with growth regulator and fungicide. Sod was laid on #11 tee box. The sand bunker on #17 has been removed due to mowing issues. Joel Sulsar resigned to return to school. His last day will be August 12th.

8. Parks Department update:

Golf Course improvement Balance - 7/23/14

Cart Path Trail Fees: \$60,944.14

Donation Money: \$2,525.85 includes

- Putting Green (Men's Association): \$2,224.00
- Trees: \$ 226.41
- Carry over from previous tournament funds: \$75.44

9. Ladies' Association report: Janet Schmidt (absent) No report.

10. Men's Association report: Doug reported that Insurance Planning sponsored the meal nite in July, and that Nextech will sponsor in August.

Add-ons:

Bill Bieker asked the status of planting trees, now that the City water warning is no longer in effect. Jeff said that tree planting is back in the plans for this fall, and that he and Kevin will be researching what kind of trees would be best to plant in certain areas.

Adjourned: 6:25 pm.

Minutes were taken by Ron Augustine.

Typed and submitted by Karen Schueler, Secretary

August 18, 2014

Minutes of the Hays Public Library (HPL) Board Meeting
August 12, 2014

The meeting was called to order at 4pm by President Judy Flax.

Present Board Members: Judy Flax, Eric Norris, David Dunn, David Goodlett, Kathy Schukman, Pam Shaffer, Delbert Stanton and Katherine Wolfe.

Absent Board Members: Mayor Henry Schwaller

Guests: Patty Rohr, HPL Financial Admin and Lucia Bain, Kansas Room Librarian

Public Comment: None

Bills: It was moved and seconded (Goodlett/Shaffer) to approve the July 2014 bills for payment. The motion passed unanimously.

Minutes: It was moved and seconded (Stanton/Schukman) to approve the July 2014 minutes as presented. The motion passed unanimously.

Director's Report

~Pay Period Adjustment: Eric explained the need to adjust the pay periods. As it stands currently, employees are actually paid on the last day of the pay period which translates to a need to complete timesheets in advance and does not allow any buffer time for processing checks. Eric outlined in detail a new plan that will create a gap that allows for accurate timesheets and enough time to process payroll. He also outlined a few options to allow employees to prepare for the change. It was moved and seconded (Goodlett/Stanton) to make the suggested adjustment to the employee time periods. The motion passed unanimously.

~Backdoor, Time Clocks and Fob: Eric outlined two current problems: leaving the backdoor unlocked and the process by which part-time employees clock in/out of work. Both problems can be solved by a fob system from Nextech (\$2,887) coupled with a timeclock system from Time Clock Plus (\$4, 228). It was moved and seconded (Dunn/Shaffer) to make the suggested purchases. The motion passed unanimously.

~RFID Update: Eric provided an update on the staff's research regarding RFID (Radio Frequency ID) services for HPL. In July, HPL staff members traveled to Hutchinson's library to see the RFID product they utilize, Bibliotecha. They also traveled to Salina to see the RFID product they utilize, 3M. Eric will try to set up a presentation by a representative from Bibliotecha for the HPL Board.

Department Reports

~**Kansas Room:** Lucia Bain, Kansas Room Librarian, presented directly to the Board regarding her involvement with the Turning Point film project. Her submission regarding the 1965 Hays Art Council was selected as one of four finalists and will be represented via a six minute film. This film, along with the other 3 finalists, will be premiered October 17th at the Robbins Center on the campus of FHSU. The Board was simultaneously impressed and pleased with the success of Ms. Bain's submission.

~See packet for other Department Reports

Old Business

~**Board Bylaw Change to Quorum:** It was moved and seconded (Shaffer/Schukman) to make a change to the bylaws regarding the count for a quorum. The City Mayor, as an ex officio member of the Library Board, is considered a full voting member and needs to be counted in what constitutes a quorum. This was the second vote regarding this issue. It passed unanimously.

New Business

~**Credit Card Policy:** It was moved and seconded (Dunn/Goodlett) to make the suggested addition to the Personnel Policy regarding credit cards. The motion passed unanimously.

~**Responsible Party Policy:** Due to the length of the discussion and the fact that we did not complete the discussion, this topic will be tabled until a later date.

Open Board Discussion: None

The meeting was adjourned at 5:58 pm.

Next meeting will be September 9th at 4pm.

HAYS AREA BOARD OF ZONING APPEALS
COMMISSION CHAMBERS IN CITY HALL
MINUTES
August 13, 2014
8:15 A.M.

1. CALL TO ORDER: The Hays Area Board of Zoning Appeals met on Wednesday, August 13, 2014 at 8:15 a.m. in Commission Chambers of City Hall.

Roll Call:

Present: Lou Caplan
Gerald Befort
Jerry Sonntag
Thomas Lippert
Shane Pruitt

Chairman Lou Caplan declared a quorum was present and called the meeting to order.

City Staff Present: Jesse Rohr, Superintendent of Planning, Inspection and Enforcement, Linda Bixenman, Administrative Assistant of Planning, Inspection and Enforcement.

2. CONSENT AGENDA:

A. MINUTES: Jerry Sonntag moved, Gerald Befort seconded the motion to approve the minutes from the July 9, 2014 meeting. There were no corrections or additions to those minutes.

Vote: Ayes: Lou Caplan
Gerald Befort
Jerry Sonntag
Thomas Lippert
Shane Pruitt

3. PUBLIC HEARING ITEMS:

A. CASE # 09-14 – REQUEST FROM DANNY HERMAN OF D J VENTURES FOR A SPECIAL USE PERMIT TO REMODEL THE BUILDING TO CONVERT TO AN EATING ESTABLISHMENT PER SECTION 71-532 (7) WITHIN THE “C-3” CENTRAL BUSINESS DISTRICT AT 230 W 9TH STREET (E 6.5’ OF Lot 4, ALL OF LOT 6 AND W/2 OF LOT 8, HAYS ORIGINAL BLK 14 THRU END):

Danny Herman and Brady Herman presented their request for a special use permit to remodel the building to convert to an eating establishment per Section 71-532 (7) within the “C-3” Central Business District if granted a special use permit at 230 W 9th Street. This was formerly the “Printcraft Printers” building.

Tom Lippert asked if a detailed plot plan drawn to scale showing the existing and proposed lines and dimensions of the structure should have been presented with the application. He asked for the proposed patronage occupancy.

Danny Herman handed out a rough draft of the proposed remodel. He explained that they are waiting on the flood proofing drawing from the architect. He answered that the proposed patronage occupancy is 92.

Tom Lippert voiced concern there was not an emergency exit on the preliminary drawing. Brady Herman stated that there will be a second exit in the southwest corner.

Jesse Rohr explained that the applicant is required to obtain the services of a professional licensed architect for this project. They have to meet life safety requirements and provide a code footprint and general layout of the ingress/egress. The property is within the 100 year floodplain. The Federal Emergency Management Association has a limit on how much they can spend to upgrade this property unless dry flood proofing for the facility is done; thus a dry flood proofing plan is being done by a professional architect. A permit will not be issued until the design is accepted and they meet the FEMA requirements and city regulations.

Lou Caplan explained that the applicant would have to meet all the building codes.

Lou Caplan asked if there were any comments from the audience. There were none.

Jerry Sonntag moved, Shane Pruitt seconded the motion to grant the special use permit to permit the construction to remodel the building to convert from office use to an "eating establishment" per Section 71-532 (7) within the "C-3" Central Business District on the property at 230 W 9th Street (E 6.5' of Lot 4, all of Lot 6, and W/2 of Lot 8, Hays Original Blk 14) based on that the considerations have been met to issue a special use permit. (Case #09-14)

Vote: Ayes: Lou Caplan
Gerald Befort
Jerry Sonntag
Thomas Lippert
Shane Pruitt

B. CASE # 10-14 – REQUEST FROM RONALD HOLWEGER OF RJJ ENTERPRISES LLC, FOR A SPECIAL USE PERMIT TO PERMIT THE CONSTRUCTION TO CONVERT THE OFFICE SPACE TO RESIDENTIAL RENTAL SPACE PER SECTION 71-504 (18) WITHIN THE "C-2" GENERAL COMMERCIAL & SERVICE DISTRICT AT 1015 E 17TH ST (LOT 5 & W/2 LOT 6, SCHWALLER & DECHANT 2ND ADDITION):

Ronald Holweger, applicant and builder Wayne Brungardt of Bieker Construction, presented the request for a special use permit to permit the construction to convert the office space to residential rental living space per section 71-504 (18) within the "C-2" General Commercial & Service District at 1015 E 17th Street. It has a nine foot ceiling that would make it decoratively nice. There are apartments all around them.

He explained the different office uses since he had purchased the property; the storage of cable equipment and former business office for All American Tours. He would like to

convert the 1500 square foot office space to a rental unit that would consist of two or three bedrooms with two full baths; one fully handicapped. He would also install a new HVAC unit.

No water would be used on the small grass area; it would rely on rain water.

Jerry Sonntag asked about the three existing garages if they would be used as storage. Jesse Rohr asked if a garage space would be used with the living unit. Mr. Holweger answered that they are heated spaces that would be used for storage. The garage next to the living unit may be used by the resident of the apartment if they want the garage (park two compact cars).

Tom Lippert asked about emergency egress. Jesse Rohr explained that egress windows would be required in each of the sleeping units. He explained that there will be a two hour fire separation wall between the apartment and garages.

Wayne Brungardt added that they may also have another exit door at the side if there is not a door from the garage to the apartment. He explained there would have to be a two hour fire separation wall between the living unit and the garages.

Jerry Sonntag asked if there where would be ample parking if the tenant does not take the garage. Ronald Holweger answered that that there is a concrete apron on the west side for parking.

Shane Pruitt asked about fencing. Ronald Holweger answered that because there is so much public traffic from the alley across the concrete apron, he plans to construct a fence.

Tom Lippert asked about the commercial lot to the west if there would be any concerns for the residential dwelling next to commercial land uses. Ronald Holweger answered that there is a large shed on the lot. With the required 35' front yard setback, he did not see a problem with it next to the commercial property; it would not affect the aesthetics.

Lou Caplan asked if there were any comments from the audience. There were none.

Lou Caplan entertained a motion.

Jerry Sonntag moved, Tom Lippert seconded the motion to grant the special use permit to permit the construction to convert the respective area from office use to a "residential rental space" per Section 71-504 (18) within the "C-2" General Commercial & Service District at 1015 E 17th Street (Lot 5, W/2 Lot 6, Schwaller & Dechant 2nd Addition) based on that the considerations have been met to issue a special user permit. – Case #10-14.

Vote: Ayes: Lou Caplan
Gerald Befort
Jerry Sonntag
Thomas Lippert
Shane Pruitt

4. NON-PUBLIC HEARING ITEMS: None.

5. OFF-AGENDA ITEMS/COMMUNICATIONS:

A. Citizen Comments: None.

6. ADJOURNMENT: Lou Caplan adjourned the meeting at 8:34 a.m.

Submitted by: Linda K. Bixenman, Administrative Assistant,
Planning, Inspection and Enforcement

**Downtown Hays Development Corporation
August Meeting Minutes**

August 15, 2014
12pm – The Welcome Center

Board Members/Staff: Traci Stanford, Stacey Smith, Sandy Jacobs, Eddie Perrett, Elodie Jones, Kim Hodny, Chris Wente, Karen Dreiling, Andy Stanton, Pam Joy, Alaina Cunningham and Andy Stanton

Absent: Andrew Rupp, Michael Billinger and Sarah Cearley

Guests: Kelli Hansen

CALL TO ORDER: President Stacey Smith called the meeting to order at 12:10 pm.

PUBLIC COMMENT: Traci Stanford was welcomed back into her position as the DHDC Director. Her new cell phone number is 785-639-6671. A reminder the DHDC office hours of operation are from 9am-5pm, Monday-Friday. Stacey thanked Kelly Hanson for helping provide the historic tour of Downtown Hays to the FHSU students. The Board presented Pam Joy and family with a thank you for all her hard work and dedication to the Blues, BBQ and Bargains event.

CORRESPONDENCE: A thank you note was received from the Susan G. Komen foundation thanking the DHDC for their support with the annual Race for a Cure. The Cancer Council of Ellis County sent a note thanking DHDC for allowing them to be a part of Blues, BBQ and Bargains.

APPROVAL OF MINUTES: After a motion by Sandy Jacobs and second by Eddie Perrett, the July 2014 meeting minutes were approved as presented. Passed unanimously.

TREASURER’S REPORT: Eddie Perrett presented the treasurer’s report. A motion was made by Karen Dreiling and seconded by Andy Stanton to approve the July Treasurer Report. Passed unanimously.

ECC REPORT: Karen reported an update on the potential convention center. They are working with FHSU and the VoTech. She also reported updates on development of The Mall and a CVS Pharmacy.

DEVELOPMENT REPORTS: Kelli Hansen, with the Liberty Group, reported that the hotel project had been presented to stakeholder groups at the Robbins Center. They are addressing parking concerns. A proposal to the city will be next. The Liberty Group will be a stroll stop for Wines & Steins at The Strand Theatre. There has been a lot of business interest in Downtown, but no new contracts currently.

CURRENT BUSINESS: City of Hays 2015 Budget: The City Commission will hold a work session for DHDC to present a reason to be funded for the future. A task force will be formed to finalize the presentation to the City.

Marketing Plan: Traci is contacting the MDC with follow up questions regarding the plan and an advertising campaign. The merchant meeting to present the new marketing plan has been put on hold until we can answer these questions.

Core 2 Campus: The only intern participant this year has been Lexi Copeland. Next year need to make it a requirement for interns to need college credit to participate. The event takes place August 21st from 6-8pm. More details regarding the event were presented.

Wines & Steins: Invites were mailed and reservations are being made. There are 350 reservations available, 150 of those are sponsor tickets. A challenge was made to the board members; the first person to sell 10 reservations will receive a \$50 reward. There is 13-14 stroll stops this year. Offering a new dynamic this year with a Taste of Downtown back at the tent during the auction. \$1000 cash give away raffle tickets are available to purchase as well.

NEW BUSINESS: Pavilion: City stopped working to contact the railroad. The project is dead to city commissioners. The city put the pavilion funds back into the general funds. DHDC is still committed to this project and working to progress. Large contributors want to remain focused on the project moving forward.

Kearney Recap: Traci shared her visit with the City of Kearney. Those that attend were Paul Briseno, Jana Jordan, Tammy Wellbrock and Aaron White.

ANNOUNCEMENTS & ACTIVITIES:

Monday, August 18th – FHSU Back to School Picnic

Thursday, August 21st – Core2Campus

Friday, August 22nd – DHDC Office Closed

Saturday and Sunday, August 5-6th – Hays Soccer Tournament

Monday, September 7th – DHDC Executive Board Meeting

Wednesday, September 10th – DHDC Board Meeting at Gella's

Friday, September 12th – Wines & Steins

Monday, September 15th – DHDC Office Closed

EXECUTIVE SESSION: Sandy moved to enter executive session at 1:20pm, seconded by Andy to discuss private matters. Eddie moved to exit executive session at 1:58pm, seconded by Andy.

ADJOURN: Sandy moved to adjourn at 2:00pm. Seconded by Chris.

Minutes of the Ellis County Wellhead Protection Committee Meeting
August 19, 2014

Members Present: James Leiker, Jude Scheck, Hendratta Ali, Allen P. Roth, Ken Richmeier, Jean Gleichsner

Non-Voting members: Matt Windholz, City of Ellis Ex officio, Karen Purvis-Recording Secretary Stacie Minson,- KSU Watershed specialist

Guests: Swede Holmgren

James Leiker, Chairman, **called the meeting to order** at 5:30 p.m.

James called on Mr. Holmgren who presented information about water issues and water concerns for Ellis County and the State of Kansas.

Minutes- It was moved by Allen and seconded by Ken that the minutes be approved as written. Motion carried 6-0.

Treasurer's Report The balance in the account was \$470.89. She stated that she has removed the money from the bank until she can find a bank that doesn't charge a service fee for balances less than ~~\$50.00~~ ~~-\$500.00~~

Old Business - Stacie stated that the Dog Days Event at Orschlens on June 7th went over very well. She also spoke about the City of Hays Water Conservation Festival that is coming up.

New Business

- a) **Events-** Stacie stated that the Environmental Tour had been moved to September 17 . She also informed everyone that 4515 rain barrels have been handed out as of 2013 there will be another rain barrel distribution on September 10, 2014 between 5-7.
- b) **Education-** Hendratta made reference to the Leadership Class showerhead give a way.
- c) **Legislative-** No report
- d) **Membership-** Howard Drogemeier might be a possible member of the committee. He used to work at Northwestern Printers. James will check with him.
- e) **Other-**

Date for next meeting will be Tuesday, September 16, 2014 at 5:30 p.m. at Tomanek Hall – room 222

The meeting adjourned at 6:52 p.m.

Submitted by Karen Purvis, Recording Secretary



Chairman

9-16-14

Date

HAYS BEAUTIFICATION COMMITTEE
Minutes of August 21, 2014 Meeting

CALL TO ORDER: Chairperson Joni Phelps called the monthly meeting of the Hays Beautification Committee to order at 12:05 p.m. in the meeting room located at the Hays Parks Department Administrative Building.

| | | |
|---------------------|---------------|-----------------|
| Members Present: | Joni Phelps | Janis Lee |
| | Judy Dawson | Carol Heiman |
| | Doris Wing | Marcia Tacha |
| | Jim Strine | Dorothy McRae |
| Ex-Officio Present: | Jeff Boyle | JoAnn Schroller |
| | Holly Dickman | |

APPROVAL OF THE MINUTES: Janis Lee moved, Dorothy McRae seconded, that the minutes of the July 17, 2014 meeting be approved. All voted in favor of approval.

OLD BUSINESS: Welcome to Hays Signage Project: Parks Director Jeff Boyle reported that he is working on permit and land use issues for the sign that will be located on the east side of Hays. On the west side of Hays, there is another sign in the spot that was chosen and he is attempting to negotiate with the company who leases the rights to that spot. He has been checking on solar lighting for the signage; his research indicates that it will be approximately 50% cheaper to install solar lights plus the need to get easements will be eliminated. Jeff reported that Jana Jordan, the Convention and Visitors Bureau Director is retiring in October, however, she will continue to work on this project until that time.

Drought Tolerant Lawns/Plantings: Discussion was held about the Beautification Awards Program that was discontinued several years ago due to the drought. Jeff Boyle felt that this may be a good time to restart that program with emphasis on drought tolerant plantings.

Committee Reports: Joni Phelps, Janis Lee, and Carol Heiman reported on plans to develop a brochure that would be included in the Welcome to Hays buckets that are distributed to new residents and on-line at the City's website. They will confer with Jason Riegel, Water Conservation Specialist with the City of Hays.

Publicity: Janis Lee reported the next article in the Hays Daily News will have information about the Tree Rebate Program.

Tree Rebate: Jim Strine reported that Hays Greenhouse is expecting a shipment of trees for fall planting in the coming weeks. He will ask for volunteers to help tag the trees when the trees arrive.

ADD-ONS: Jim Strine reported that he is working with some Master Gardeners who are putting together a brochure of tree species and planting tips. Their intent is to show pictures of what a particular full-grown tree would look like in western Kansas through the seasons of the year. The group may ask for financial assistance to pay the cost of printing. He ask the HBC to submit locations that may have a type of tree that is outstanding and would be a good sample to show the general public.

Jeff Boyle reported that the concrete at the Union Pacific Plaza is heaving and will have to be repaired.

Jeff Boyle reported that Linda Stahlman's term on the HBC expired August 1, 2014 and she has not yet indicated as to whether she would like to serve another term.

Jeff Boyle reported that to date, rainfall is ½ inches below normal for the year.

HBC members reviewed a draft copy of the Water Conservation Education Outreach Program prepared by Jason Riegel. The Program is geared toward third/fourth grade level students.

Holly Dickman reported that the Ellis County Extension Office will be holding a Rain Barrel event on September 10, 2014. Rain barrels will be available at a cost of \$26 with a limit of two per location.

Holly Dickman reported that Stacie Minson, Watershed Specialist with the Kansas State University Research Extension Office, will be sponsoring an Environmental Tour on September 17, 2014. The bus tour will visit areas around Hays related to water issues, such as the Water Plant and the Hays Wellfield areas.

Marcia Tacha moved, Judy Dawson seconded, that the meeting be adjourned at 12:58 p.m. All voted in favor of approval.

Submitted by Doris Wing, Recording Secretary

Hays Sister Cities Advisory Board Agenda
Thursday, August 21, 2014
Noon – Smokey Hill Room
FHSU Memorial Union

Call to Order –Meeting was called to order at 12:08 pm in the Smokey Hill Room at the FHSU Memorial Union by Ann Leiker.

Members Present: Ann Leiker, Olga Detrixhe, Mehran Shahidi, Dawne Leiker, Max Maximov, Patricia Levy, Corrie Zimmerman and Carol Solko-Olliff, *Ang Robson*

Members Absent: Greg Sund and ex officio member Mayor Henry Schwaller

Guest(s): Kevin Rupp, Oren Windholz and Leo Dorzweier

Each member present introduced themselves and where they were from or organization they represent.

Minutes: Carol S. presented the minutes from the July 10, 2014 meeting. It was moved by Olga D. and seconded by Dawn L. to accept the minutes as corrected. Minutes were approved.

Treasurer's Report: Dawne L. reported no changes in the account, the balance is \$22,049.80. Mehran S. receipts from the Sister Cities conference in July will be reflected in the September treasurer's report. With no changes the treasurer's report was approved.

Old Business

Strategic Plan Implementation – Ann L. reported that Greg S. and Olga D. have been working on the strategic plan. A small working group of members who are available will meet on the plan in the off week of our regular meeting times. Updates can be reported at the regular meetings. The working group will focus on establishing committees and task forces which will help break down the project into manageable parts. Olga D. will prepare some notes from the meeting and send them out to the group.

Paraguay contacts and relationship status - Patricia L. met with Max M. regarding contacts in Paraguay. She has been researching the Education Institute in Paraguay to see what we might be able to identify as areas to address. The Institute teaches people about food preparation. We should work on setting a goal for Paraguay after more research. A sub-committee headed by Max M. and Corrie Z. may be logical members to start with.

Annual Sister Cities Conference – Mehran S. learned a lot at the conference and will prepare a report to present to the committee at one of our upcoming meetings.

New Business

Message from City Commission - No report

Discussion with guests - Ann L. discussed the group the transition that the Sister Cities committee has gone through over the last few years and the desire to establish a new Sister

City in Germany. She mentioned that the group wants to evaluate both the needs and gifts of the community and its visitors. The Sister Cities committee wants to help facilitate the sharing of cultures throughout the community. Olga D. reported on the research that Max M. has been doing on possible German cities and some of the challenges. An extensive discussion was held on trying to establish a new Sister City in Germany and the possible connections that our guests may have and their willingness to assist if they can. It was discussed that perhaps we might consider a city in Russia or similar area. Many stories were shared about how their ancestors came to the Hays area and the desire to share and pass on the heritage. Our guests were very supportive of the committees work and are willing to help and be a resource if we need them.

Announcements – Carol S. reported that Mr. Charles Pratt from USCIS will be holding a presentation on DACA this afternoon at 3:00 pm in Cody Commons on campus and one this evening at 7:00 pm in the community at the Immaculate Heart Activity Room.

The next meeting will be Thursday, September 18th 2014 at noon, room TBA.

Meeting was adjourned at 1:00 pm.

Respectfully submitted by: Carol Solko-Olliff

City of Hays
Public Works Department - Airport Division

FROM: Airport Manager
 RE: Enplanements



| 2014 Enplanements | | | | | | | | |
|--------------------------|--------------|--------------|--------------|---------------|---------------|--------------|--------------|---------------------------------|
| Month | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | Comparison 2013-2014 |
| January | 645 | 562 | 537 | 562 | 655 | 645 | 527 | -18% |
| February | 573 | 451 | 532 | 551 | 717 | 528 | 367 | -30% |
| March | 743 | 582 | 681 | 754 | 793 | 841 | 311 | -63% |
| April | 689 | 583 | 682 | 724 | 726 | 716 | 0 | -100% |
| May | 772 | 756 | 774 | 943 | 1050 | 1043 | 0 | -100% |
| June | 739 | 594 | 732 | 998 | 687 | 818 | 0 | -100% |
| July | 726 | 668 | 679 | 984 | 704 | 775 | 0 | -100% |
| August | 690 | 517 | 693 | 945 | 752 | 571 | 729 | 28% |
| September | 625 | 621 | 662 | 858 | 659 | 585 | | -100% |
| October | 721 | 629 | 741 | 786 | 782 | 645 | | -100% |
| November | 593 | 664 | 694 | 814 | 828 | 646 | | -100% |
| December | 696 | 808 | 811 | 981 | 975 | 903 | | -100% |
| EAS Total | 8,212 | 7,435 | 8,218 | 9,900 | 9,328 | 8,716 | 1,934 | -77.81% |
| Other Charters | | | | | 734 | | | |
| Charter Total | 345 | 24 | 802 | 318 | 319 | 331 | 327 | -1.21% |
| TOTAL | 8,557 | 7,459 | 9,020 | 10,218 | 10,381 | 9,047 | 2,261 | -12.85% |

2012 Other Charters - EagleMed, Crotts Aircraft, Dawnwolf Tech. Charter - Hays Aircraft
 Commercial pass.
 Average/Day 20.4 22.5 27.1 25.6 23.9 10.7

| 2014 On-Time Statistics - Great Lakes (Jan-Mar), United/SkyWest (Aug-Dec) | | | | | | | | | | | | |
|--|-------------|-------------|-------------|-------------|------------|-------------|-------------|-------------|--------------|-------------|-------------|-------------|
| | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. |
| On-time (wi/15 mins) | 38% | 39% | 20% | N/A | N/A | N/A | N/A | 85% | | | | |
| Percentage delayed or Cancelled (wi/30 mins) | 62% | 61% | 80% | N/A | N/A | N/A | N/A | 15% | | | | |

****Industry Average for on time (June 2010) -- 76.4%**

**On-Time Performance taken from August 2010 issue of Air Travel Consumer Report.

Skywest Airlines On-Time Report

| Sep-14 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | Under 15 Min On-Time | 15-44 Min Late | 45-74 Min Late | 75 -104 Min Late | 105 Min Late or more | Canceled |
|--------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----------------------------|----------------------|----------------------|------------------------|----------------------------------|----------|
| 650 | C | x | x | x | x | x | x | x | x | x | x | x | L | x | x | | | | | | | | | | | | | | | | 87% | | | | 7% | 7% |
| 1321 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1323 | x | L | x | L | x | | | x | x | x | L | x | | | x | | | | | | | | | | | | | | | | 73% | 18% | | | 9% | |
| 1351 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1353 | x | L | x | L | x | | | x | x | x | L | x | | | x | | | | | | | | | | | | | | | | 73% | 18% | | | 9% | |
| 1943 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2208 | x | x | x | x | x | x | x | L | x | x | x | x | x | x | x | | | | | | | | | | | | | | | | 93% | | | | 7% | |
| 2212 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | | | | | |
|--|--|------------|-----------|-----------|-----------|-----------|-----------|
| | Average | 83% | 8% | 0% | 0% | 8% | 2% |
| No time logged =na Late=L On Time=x Canceled=C On time means <= 15 minutes | Total Flights - 52 | 43 | 4 | 0 | 0 | 4 | 1 |
| | Percentage of flights delayed or canceled | 17% | | | | | |