

**La Cygne, Kansas**  
**GOVERNING BODY HANDBOOK**

*City of*  
*La Cygne*



# **POLICY #32**

# **GOVERNING BODY HANDBOOK**

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**Adopted by the Governing Body on September 1, 2021**

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# Introduction 1

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This manual is designed for the Governing Body and is particularly helpful for newly-elected or appointed Council members. It contains information about the structure of our city government and the role of the elected officials in that structure. The primary focus centers on the Council meeting, which is where the formal role of the Council member is exercised. Use this manual to learn how to perform your role as a member of the City's Governing Body.

This manual is to be used along with the *Governing Body Handbook*, published by the League of Kansas Municipalities. General information regarding Kansas Law and other topics is contained in the League publication, although because the League serves more than 600-member cities having several different forms of governance, the La Cygne-specific document is most helpful to La Cygne officials. If your questions cannot be found in this publication, contact the City Clerk who will get your question answered.

Being an effective leader and member of a group of elected officials is not something which magically happens just because you are elected or appointed to office. Leadership and team skills must be learned. You will need to listen to the residents of the City and then work effectively with the rest of the Governing Body to achieve the goals for the entire City.

Good Luck!

**Remember –  
when you have a  
particular  
problem,  
chances are  
somebody else  
has already dealt  
with the issue.**

## So Now You're a Council Member

By their action at the polls, the people of your community have given you a vote of confidence and expressed faith in your ability to act in their best interest. As a newly elected or appointed member of the City Council, you have a lot to learn about providing leadership and governing. But don't take yourself or the business of government so seriously that you don't enjoy it. It can and should be a fun as well as rewarding experience.

## Your First Days on the Job

In January, newly elected officials are sworn in following the general election in November and receipt by the City Clerk of the Certificate of Canvass from the Linn County Clerk.

New Council members may be overwhelmed at first by all they need to learn, and the amount of time involved. Others are surprised to discover there are limits on their role in making decisions and setting policy. What is clear, however, is that it is a very big job.

## Getting Oriented

First thing to do is attend the orientation sessions provided by City staff. During the sessions, City Clerk and Department Supervisors will brief you on core services and current projects. It is a broad overview of the functions of the city. Tours of key City facilities and services are also provided. Take this opportunity to learn all you can about the city organization, its history, operations and financing. Take time to visit with the Mayor and other Council members to gain an insight into their perspectives and experience.

## Review Key Documents

You will receive information at orientation sessions that you can read later and use as reference during your time on the Council. You will also receive the City Codes Book and a Government handbook which will help you do your job. At the end of your term, these will need to be turned back in, so they can be provided to your replacement. Don't be afraid to ask questions; you are not expected to know all the answers immediately. Find out about anything you need to know for a better understanding of City operations and issues facing the community. The information will come fast and furious, so don't worry about going back and getting items clarified or getting a more in-depth explanation until later.

### Keeping Some Perspective

- **Pace yourself.**

Recognize that life – and the City – is dependent on a lot of things over which we have little control. Set some priorities, recognize the need to spend time with your family, and don't burn yourself out.

- **Develop a thick skin.**

Remember that they don't dislike you, they just may not like your ideas.

### **Keeping Some Perspective...**

- **Be Yourself.**

Don't try to be someone you are not.

- **Majority Rules.**

Remember, it takes a majority of members to pass any motion. You will need to work with the other members to get things accomplished.

### **Legal Restrictions**

Keep in mind that our City's ordinances, as codified in our municipal code book, as well as other legally adopted regulations, such as the traffic code and zoning regulations, must be followed until the Governing Body takes action to amend them. If you are unsure of your responsibilities or authority in certain areas, seek clarification from the City Clerk or City Attorney.

### **Value and Respect Your Staff**

Recognize that the City has an experienced and professional staff and that these individuals are a valuable resource – treat them with respect and don't take them for granted.

Much of the staff have served the community for many years and have a valuable historical perspective which can help fill in the gaps for a new Council member.

### **Take it Slowly**

Resist the urge to recommend drastic changes before you know how everything works. Many of the City's policies have evolved over years through trial and error. While some things may appear to need an overhaul, it pays to watch for a while before trying to change things. Don't seek change simply to do things differently! Give yourself some time to learn the fundamentals.

### **Public and Private Sector Differences**

A word of caution... You may have run for office with the pledge to "run the City like a business." While there are similarities, there are some important differences between the public and private sectors that will become apparent as you get used to your new role.

#### **Here are just a few of those differences:**

- ❑ **Most of your work will be done in the public eye.** Consequently, things move more slowly and take more time. Deliberations of the Governing Body are done in public meetings, and most records are available to the public.
- ❑ **City programs and facilities don't pay for themselves.** We don't charge fees to cover all costs for programs, such as recreational facilities in the City Parks. These programs

are offered as part of the quality of life of the community, which is why they are supported by tax dollars. Also, you want all members of the community to be able to participate and use the facilities, not just the wealthiest. The City has an obligation to all of its citizens, regardless of their socio-economic level, to provide a high quality of life.

- **The City is not a “for profit” organization.** Taxes are levied in an amount adequate to provide for the needs of the community, not to make a profit. Even enterprise funds, which are run like a business, only charge for their services so they can meet the current and future needs of the City.
- **You can operate the City in a “business like” manner, but not like a business.** Not all normal business principles apply to a municipality. We are governed by many state and federal laws which businesses are not required to follow.
- **City projects and contracting often must go through a public bidding or proposal process.** This takes time and sometimes costs more. The benefits are enhanced trust in the ethics of city officials and cost-savings in the long run.

## **General Information**

- **Meetings.** The City Council meets the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 7:00 p.m., during months when daylight saving time is in effect and 6:00 p.m. during the months when daylight saving time is not in effect. Some meeting dates are changed due to conflicts with holidays or other special events. Additional meetings include workshops on important or complex matters, or special meetings needed to take action on time-sensitive items.
- **Pay.** Each member of the governing body will receive \$50.00 per meeting for their service. Because the Mayor’s position includes more duties than the Council, the Mayor receives an additional \$150.00 per month.
- **Terms:** The Mayor and Council are elected at-large for a Four-year term.

## Practical Advice

*Some pointers to help you be successful*

### Words of Wisdom...

- Listen.** Listen to everyone until your ears fall off. Soak it up. After six months in office, you will round out the picture of the complexities of City government and your role.
- Read.** Considerable time goes into staff reports provided to you. They contain critical information you will need when considering an issue. If you need additional information, ask for it early enough so that it can be shared with the rest of the Council.
- Carry a notebook** for the first six months and write things down to help you keep on track.
- Maintain papers and documents** that you will need to refer to in the future. It will help you review items previously covered and save valuable time.
- Don't be afraid to say, "I don't know."**
- Don't make promises you can't deliver!** Avoid promising anything outside of your term of office or anything that does not fall in line with State Statutes or City Ordinances. Policy decisions are made by the Council as a whole, not individual members.
- Gear your mind to process** a tremendous amount of seemingly conflicting information.
- Don't enter office with an unmovable set agenda.** Learn as much as you can before taking on a major program of effort. Don't be strangled by campaign promises that were made without sufficient information.
- If you come on board as a big critic** of the "way things have been done," you may be surprised to find how hard the job really is. You'll soon gain a better appreciation for those who came before you.
- Don't waste valuable meeting time** with questions or issues that could have been handled beforehand by a phone call or an email to the City Clerk.
- The job can be very complex** – try to stay focused on the big issues. Don't get mired in the minutiae.

### Learn from Others...

- Ask for help when you need it.** Don't be afraid to ask the City Clerk, the Mayor or other Council members.
- Network with your peers.** Meet with other elected officials from neighboring communities. They can provide support and new ideas. Get involved in the League of Kansas Municipalities, or the National League of Cities organizations.
- Find an experienced mentor** on the Council. Ask for advice when you need help. You'll get empathy and a clearer vision from someone who has been there.
- Ask opinions and listen.** Spend time with those individuals who have different opinions from yours. Listen, don't argue the points, then rethink your position.

## **Form of Government in La Cygne**

La Cygne operates under the Mayor-Council form of government, a system that combines strong political leadership of elected officials with strong administrative experience of city staff. In this form of government, Council members and the Mayor are leaders and policy makers elected to represent the City as a whole by concentrating on policy issues that are responsive to citizens' needs and wishes. City staff is hired by the Governing Body to carry out policies, oversee City operations, and ensure that the entire City is being served. The Governing Body establishes goals and policies which the staff executes.

## **Home Rule**

All cities in Kansas have *home rule* powers, the ability to govern themselves without direct involvement from the state. Home rule powers are conferred directly by the Kansas Constitution on all classes of cities. Cities exercise their home rule powers through the passage of an ordinary ordinance or a charter ordinance.

Home rule power is not absolute. Cities must comply with state laws that apply uniformly to all cities and must conform to applicable federal laws and to the U.S. Constitution and the Kansas Constitution. In exercising home rule powers, cities may legislate on any subject other than those reserved to the exclusive jurisdiction of the legislature by the Home Rule Amendment itself.

## **City Classification**

Cities in Kansas are designated by class based on the size of their population. In general, there are no advantages or disadvantages to being one classification versus another. City classification is more or less an historical legacy of the state legislature pre-dating Home Rule authority, although it is still a general reference tool for City size.

La Cygne is a City of the Third Class. The official Census decennial population count for 2020 is 1050.

## **Additional Related Information**

Additional related information can be found in Chapter 1 of the Governing Body Handbook, published by the League of Kansas Municipalities.

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The principal job of the City Council is to establish the general policies under which the City operates. The Council performs this function by:

- Enacting ordinances, resolutions and policies;
- Establishing City fees and utility rates;
- Approving the appointment of the City Attorney, Municipal Judge, members of various boards and commissions, and vacant Council seats;
- Reviewing and approving the annual budget, setting the tax rate and approving the financing of City operations; and
- Authorizing contracts to be executed on behalf of the City.

It is not the role of the Council member to administer City affairs. The Council sets policy, and City staff actually sees that the policies are implemented.

The City Council gives direction to the city administration staff as a body in votes made in public meetings, not individually.

City Council members are elected to look after the interest of the entire City. Your effectiveness depends on you providing input as a representative of your ward, while thinking and voting for the needs of the whole community.

Council members must work together to provide policy decisions that benefit the community as a whole and provide quality service to all of the City's residents. Once the Council makes a decision, it becomes the entire Council's decision. If you are asked about the issue and do not wish to defend it, simply explain why the Council made the decision it did.

## **Adopting Policy**

The Council does not make policy in a vacuum. The Council relies on input and ideas from many sources, including staff, advisory boards, citizens, groups and others. It is the Council's responsibility to consider the merits of each idea and then approve, modify or reject it. In doing so, Council members analyze community needs, program alternatives and available resources. The decision often takes the form of an ordinance or resolution, although it may be in the form of a simple motion.

See Chapter 1, Article 6 of the La Cygne City Code for more information on advisory boards and committees.

## **Responding to Citizen Complaints**

Residents often contact a Council member when they have a problem. You may also be approached by a citizen, colleague, or even a friend about City operations, issues or service problems. Many times, they approach you because they aren't aware that contacting the City Hall or City staff directly is appropriate. Help them understand this by acknowledging and redirecting them. You may say: "Yes, I can see that upset you. I apologize you had that experience. Have you shared this with the City administrative staff?" or "I don't have an answer for you right now, but let me look into it and get back with you."

If you personally take on the citizen request, contact the City Clerk and he or she will direct the request to the appropriate department or staff person for resolution. Keep in mind that neither you nor the Governing Body has the authority to direct staff to take any action.

## **So, Who Actually Manages City Operations and Staff?**

It is not the role of the Governing Body or any of its members to administer City affairs. The Governing Body sets policy. The Mayor and the City Staff sees that policies are implemented. It is not the role of a Council member to supervise City employees on the job or become involved in day-to-day administration of City affairs. Contact with staff should be through the City Clerk or the Mayor except for general questions and even then, the Mayor and/or City Clerk should be copied. Any issues with employees should be addressed with the Mayor and/or City Clerk.

## **Relationship with the City Attorney**

The City Attorney's job is to provide legal advice and counsel to the City, which includes advising the entire Governing Body, staff, and boards and commissions. If you have been contacted by someone to appear as a witness in your capacity as a Council member or been served a legal notice in your capacity as a Council member, immediately contact the City Attorney.

While generally it is best to ask your questions to the City Clerk who can answer most of them, you can contact the City Attorney directly if you think it appropriate. Remember, he or she is paid hourly, the attorney's time is a City resource, so use it wisely. If there is a legal issue that you need an immediate response to, it is better to err on the safe side and call the attorney.

The City also has a City Prosecutor, who is paid by the hour and works on Municipal Court cases.

## **Personnel Management**

The Governing Body approves the City's compensation plan and personnel policies. It also hires the City Supervisors and approves his or her contracts. All other personnel actions are defined in the Administrative Policy of the City.

The Governing Body appoints the Municipal Judge, although due to the independent nature of the judicial branch of government, little contact usually occurs with the Governing Body during a judge's term of office. In no circumstance should a Council member attempt to influence a decision of the judge in a case.

### ***Questions & Answers***

**Q. An employee comes to me with a gripe or problem, what should I do?**

A. You should direct the employee to his/her supervisor, or remind them that the Mayor has an open-door policy for all employees. Afterwards, give the Mayor a courtesy call to keep him/her in the loop.

**Q. Is the Mayor required to inform Council members prior to disciplining or terminating an employee?**

A. No. However, if at all possible the City Council should be kept in the loop on important issues and have a say.

**Q. Can we talk about personnel issues during a Council meeting?**

A. You should discuss general personnel policy issues in open session. Any discussions about a specific employee(s) should be done in executive session.

## Practical Advice

*Some pointers to help you be successful*

### Leadership...

- Lead by example.** Be honest, consistent, and flexible. Don't play games.
- Use common sense.**
- Don't be stampeded into action** by the strong demands of special interest groups or individuals. Your job is to find the long-term public interest of the entire community.
- Be clear on what you stand for.**
- Be open to others' ideas.** Don't assume that only you know the best way to accomplish things. Every issue will benefit from additional discussion. No one has a monopoly on good ideas.
- Sometimes we underestimate the potential impact of an elected official's leadership.** Use the dignity of your office to help the community get past contentious issues.
- There is a tremendous amount of discomfort in making public decisions.** Sometimes the decisions feel like the end of the earth. It's easy to fear the political consequences. But it is important to look a little more long-term in perspective, weigh everything and reach good decisions.
- You won't be able to satisfy all of the people,** and you have to know that. Listen fairly...listen thoughtfully...and then do what you feel is right.

### Working with Staff...

- Get to know staff and what they do.**
- Say "Thank you!"** Let folks know how much you appreciate them and give credit where credit is due.
- Treat staff with respect.** They are a very valuable asset, and they have committed themselves to making the community a better place.
- Be consistent.** Treat everyone equitably and keep relationships professional.
- Don't surprise staff at a meeting.** If you have a question or issue, let them know in enough time so they can provide the answer to you.

# Roles of the Mayor & Council President **5**

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The Mayor is elected at-large and as such is a key political and policy leader. The Mayor presides at all meetings of the Governing Body, serves as spokesperson for the community, facilitates communication and understanding between elected officials, assists the City Council in setting goals and policies, serves as an ambassador and defender of the community, nominates persons to serve on boards and committees, and then appoints them after Council approval. The Mayor also makes proclamations. Together, the Mayor and City Council form a policy-development team.

On ordinary ordinances and other matters, the Mayor votes only when the Council is evenly divided. The Mayor has signature authority only when so designated by the Council. Staff prepares documents for signature at City Hall.

## **Council President**

The Council President is a serving Council member elected by the members of the City Council to serve in the temporary absence of the Mayor. The Council President presides at all Council meetings when the Mayor is absent. When occupying the place of the Mayor, he/she has the same privileges as other Council members and shall exercise no veto.

In the absence of both the Mayor and President of the Council, the Council shall elect one of its members as “acting President of the Council.” The President and Acting President, when occupying the place of the Mayor, shall have the same privileges as other council members but shall not have any veto authority. The President of the Council shall be selected at the first regular meeting of the Governing Body following the qualifications of new council members elected at the regular city election.

When a vacancy occurs in the office of Mayor, the Council President shall succeed to the office until the next regular City election.

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## Role of the City Clerk

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The City Clerk shall be appointed by the Mayor with advice and consent of the City Council. He/She shall be responsible to the Mayor and Council for administration of city business and affairs bringing the benefits of education, training and experience in leading and managing local government organizations, projects and programs.

The City Clerk:

- Exercise general supervision and control over all city purchases and expenditures in accordance with the budget and such policies as may be established by the Council.
- serves as the City Council's chief advisor and carries out the City Council's policies;
- prepares a budget for the City Council's consideration;
- works in partnership with elected officials to develop sound approaches to community challenges;
- helps the governing body develop a long-term vision for the community that provides a framework for policy development and goal setting;
- promotes ethical government through commitment to a set of ethical standards beyond those required by law; and
- consult and keep advised the office staff as necessary to ensure their capability to serve temporarily in the absence of the City Clerk.

Council members and citizens count on the City Clerk to provide complete and objective information, pros and cons of alternatives and long-term consequences of decisions and policies. Similarly, the City Clerk relies on City staff to provide professional and well-reasoned information and recommendations, and the highest level of public service possible.

# Actions of the Governing Body 7

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The Governing Body adopts policies for the City and itself to provide for safe, equitable and efficient City operations. It also adopts policies to regulate and administer its own conduct and operations. Policies are adopted by the Governing Body in several different forms. These are:

- **Ordinance.** An ordinance is a local law of the City, prescribing rules of conduct. It is used for a variety of purposes, including administrative action, such as establishing the employee compensation plan, or as an action to control the conduct of the public. Ordinances are also used to amend the City’s zoning and subdivision regulations, which are also laws of the City. Passage of an ordinance requires three (3) affirmative votes by the City Council. Even if a position is vacant due to death or resignation, a full majority of the full body is still required. K.S.A 12-3002 clearly prohibits counting an abstention or refusal to vote as affirmative action when considering the adoption of an ordinance.
- **Charter Ordinance.** Kansas law allows cities to “charter out of” or exempt themselves from some state statutes and establish their own regulations. A charter ordinance must be passed by two-thirds of the members-elect of the governing body. Therefore, in a mayor-council city with a mayor and five councilmembers, four (4) votes are needed to pass a charter ordinance and the mayor has an original vote.
- **Resolution.** This is a less formal action than an ordinance and acts more as an expression of the opinion of the Governing Body. Passage of a Resolution requires a simple majority vote of City Council members present and voting. Abstentions are counted on the prevailing side. If the motion passes, abstentions count with the “yes” votes. If the motion fails, abstentions count with the “no” votes.
- **Governing Body Policies.** A Governing Body policy is an internal or administrative action to address issues not covered by a City ordinance, regulation, or the municipal code book and establishes rules and requirements not listed in any of those other publications. Passage of a Governing Body policy requires a simple majority vote of City Council members present and voting.

In case of a vacancy in the council occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the advice and consent of the remaining councilmembers, shall appoint a suitable elector where the vacancy occurs to fill the vacancy until the next election for that office. In case any person elected as a councilmember neglects or refuses to qualify within (30) days after his or her election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

# The Council Meeting 8

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The Council meeting is the place to get the critical job of decision-making accomplished. A smoothly managed and productive Council meeting does not necessarily guarantee good results, but it certainly helps.

The Mayor's role is to chair the meeting. As the moderator, the Mayor helps facilitate the meeting while allowing full Council participation, maintains order and decorum, and sees that all motions are properly dealt with as they arise.

## The Agenda

The agenda is developed by the City Clerk and disseminated to the Governing Body and the public not less than 48 hours prior to a regular meeting of the city council of La Cygne, Kansas.

The packet contains the agenda and supporting material for each agenda item. Every item is included to give you most if not all of the information in advance of the meeting. Meeting minutes are also posted on the City web page after final approval.

The Mayor or Council members can change the order of business or add/delete items the night of the meeting by majority acceptance from the Council.

## The Meeting

Even the best-planned Council meetings can deteriorate into endurance contests. These are not always the most productive meetings – exhausted people don't always make the best decisions. In order to have a smooth-running meeting, the following is the order of business for the Council meeting and the procedures that will be followed.

1. **Call to Order**
2. **Pledge of Allegiance** - Led by the Mayor.
3. **Roll Call:** Roll call to determine quorum
4. **Mayor's Comments:**
5. **Consent Agenda.** The consent agenda is a tool used to streamline Council meetings. Routine, non-controversial items are listed collectively on the agenda and are passed with a single motion and vote.
  - If a Council member wants to discuss an item, he or she must make a motion to have an item removed from the consent agenda for separate consideration. The motion must be carried by majority vote. Items pulled from the consent agenda require a separate motion to approve, and discussion can take place on that item once a motion to approve has been made and seconded.
  - The remainder of the consent agenda can be voted on, omitting the items removed for discussion.

- The following items will generally be placed on the Consent Agenda:
  - i. **Approval of Minutes:** Approval or correction of the minutes of the previous meeting
  - ii. **Treasurer's report**
  - iii. **Budget Report**
  - iv. **Check Register**
  - v. **Licenses**
  
- 6. **Public Comments:** This is to allow the public to comment on any subject relevant to City government. If the issue is on the meeting agenda, the Mayor may ask for comments to be made when the item is called rather than during Public Forum. People making comments are required to stand, state their first and last name, address and Council, keeping their comments to 5 minutes. If they have written material to share with the Governing Body, they may pass it to the City Clerk for distribution at the next regular meeting.
- 7. **Notices and Hearings:** This is to address any hearings or to provide notice of hearings.
- 8. **Reports of City Officers:** City Clerk, Treasurer, Police and Codes Officer, Public Work and Fire and the City Attorney. These reports should be in writing for the Council to review.
- 9. **Standing Committee Reports.** Items of discussion or approval from Standing Committees.
- 10. **Business and Discussion Items:** Items are listed on the agenda in the order they will be addressed. The regular agenda includes any unfinished business and new business. Normally items on the agenda are for action, but there may be instances when items for discussion are included as an informational presentation either for the benefit of or at the request of the Governing Body.
- 11. **Appointments/Wage Determinations.** As needed
- 12. **Executive Session.** More information below.
- 13. **Governing Body Remarks.** Informal questions, follow up from previous discussion if needed.
- 14. **Adjournment.** If no further action is necessary. Ends the meeting.

## Executive Sessions

Closed sessions are authorized by the Kansas Open Meetings Act (KOMA) after a formal motion has been made, seconded and carried to recess into executive session. No formal action of the City Council can be taken during an executive session. The most common topics that can be discussed in executive session are:

- Personnel matters of non-elected personnel;
- Consultation with attorney on matters deemed to be of attorney-client privilege;
- Confidential data relating to financial affairs or trade secrets of second parties;
- Discussions about acquisition of real estate; or
- Discussions concerning security matters.

## Executive Sessions continued..

The content and discourse of executive sessions are not to be told to anyone nor discussed outside the session, even with other Council members. Any official who knowingly violates KOMA is liable for the payment of a civil penalty of up to \$500, if the action is brought by the attorney general or a county or district attorney and may be sanctioned by the Governing Body. For more detailed information on KOMA, refer to the League's *Governing Body Handbook*.

<b>Meeting Guidelines</b>	
<ul style="list-style-type: none"><li>▶ Meetings start on time.</li><li>▶ Meetings end at a reasonable hour.</li><li>▶ Stick to the agenda.</li><li>▶ Stay focused and act efficiently – be respectful of other people's time.</li><li>▶ Don't attempt to engineer "how-to" details at the meeting.</li><li>▶ Stay on topic, don't jump to other items or away from the topic at hand.</li><li>▶ Members do their homework.</li></ul>	<ul style="list-style-type: none"><li>▶ All members participate.</li><li>▶ Members do not engage in side conversations during the meeting.</li><li>▶ Members actively listen to each other, to speakers, and to presenters.</li><li>▶ Don't "hog" the conversation; let other Council members state their thoughts.</li><li>▶ Unnecessary meetings are not called.</li><li>▶ Packed audiences do not unduly sway the Council.</li></ul>

## Voting Guide

### Quorum

A majority of Council members must be present at the meeting to constitute a quorum. This means Three members of the five-member Council must be present.

### Abstentions

Council members are discouraged from abstaining from voting on any issue before the Council, unless a conflict of interest exists. When a statutory conflict of interest exists, the member should explain that he or she has a conflict and excuse himself or herself before discussion begins.

For those non-ordinance matters where an abstention is used, such a vote shall be counted as for the prevailing side.

### Mayor's Voting Power

The Mayor may vote only as a tie-breaker when the City Council is equally divided on a vote for non-ordinance matters.

## Meeting Survival Tips...

- **Prepare in advance** of meetings and be familiar with the issues on the agenda.
- **Be careful with executive sessions.** Only use executive sessions for issues that are specifically allowed.
- **Be courteous to each other and members of the public;** let them know you appreciate their comments.
- **Don't spring surprises on fellow Council members or City staff,** especially at public meetings. If a matter is worth discussing, it is worth putting on the agenda. Surprises may get you publicity, but they may embarrass others and tend to erode the "team" approach to governance.

# Citizen Participation at Council Meetings 9

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The public evaluates the performance of its elected officials to a great extent by what happens at meetings. Many citizens form their total opinions of the City government on the basis of having attended just one Council meeting. This is the time to impress citizens favorably and show them that the Council is capable of doing its job.

## **Citizen Comments at Council Meetings**

The “Public Forum” period is a time slot set aside on the agenda for citizens to address the Council on any subject relevant to the City government, its policies, operations, or services. It is not to be confused with a public hearing, which is a formal proceeding conducted for the purpose of discussing a specific topic, such as the City budget.

Anyone wishing to address the Governing Body must stand up (if able) and introduce themselves. Any person, firm, association or corporation desiring to have the city governing body consider any request, complaint, contract, offer or other matter must submit a full and complete written request to the City clerk who shall read said request to the governing body in attendance at a regular meeting of the city council. Requests must be made and handed to the city clerk six (6) days before the regular city meeting concerned if they desire to be heard on that meeting’s agenda.

Individuals attending the meeting who have not submitted a written request for consideration may only participate in a public meeting for five (5) minutes for the sole purpose of being given an opportunity to be heard by the governing body.

While providing an opportunity to speak on any topic of concern, the Mayor is responsible for maintaining order and decorum and will not allow the speaker to make personal attacks or inflammatory comments. In many cases, the speaker will be directed to meet with staff to resolve the issue or get questions answered.

Other than asking a question to clarify a statement, members should refrain from entering into a dialogue with the citizen. This time on the agenda is not intended for a discussion between the Governing Body and the citizen and should not be used for that purpose. Also, if speakers engage in personal attacks on any member of the Governing Body, it may be necessary for the Mayor to cut them off. Council members are expected to be polite to citizens appearing before them, but there is no requirement that they subject themselves to intimidation by rude speakers.

## **Citizen Comments on Agenda Items during the Meeting**

The City Council meeting is designed for the Governing Body to discuss and make decisions on the various issues on the agenda. Other than asking for clarification, discussion should be limited to among the members of the Governing Body. At no time will members of the audience be allowed to enter into the discussion from their seats in the audience. If recognized by the Chair,

they may be allowed to stand and speak during the discussion if the Chair believes their comments are germane to the topic and necessary or helpful for the Governing Body to continue their discussion or make their decision. Each speaker should only speak once unless clarification is requested by the Mayor.

If a planning item is on the agenda which had a public hearing as part of the process with the Planning Commission, the Mayor will not normally ask for public comment, as they had their opportunity to do so at the public hearing with the Planning Commission. The Governing Body will have the minutes of that public hearing so they can take those comments into consideration during their deliberation. *Comments are not normally allowed on an item due to the possibility of new information being presented outside the official public hearing which could open the door to potential litigation.*

### **Public Hearings**

When an item requires a public hearing, by statute, the Mayor will open the public hearing and will then facilitate the hearing. Public comments can be made in the same manner as the Public Forum agenda item. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Council in order to keep the meeting moving. Public hearings are held to gather data and opinions from the citizenry that facilitate the decision-makers at the Council meeting.

Public hearings afford the public due process prior to key decisions by the Council (and boards and commissions). Due process requires that public hearings be fair, open, and impartial. Ex parte communications are communications received outside of the formal public hearing. To protect the due process rights of all, it is important that ex parte communications be disclosed and made a part of the record at the public hearing. Prejudgment of an issue is a denial of due process. It is essential that members of the Governing Body retain an open mind and a willingness to listen to all the evidence and make their ultimate decision as a result of the public hearing even if they have received information prior to the public hearing.

### **How to Deal with Criticism...**

- **At some point, the Council's action must be defended.** Try to help people understand the factors that influenced the Council, or discuss the parameters that influence an impending decision which is under attack.
- **When attacked, think carefully before responding.** Know your facts. Be truthful. Credibility is your most important asset in dealing with your critics.
- **Don't belittle small but vocal sources of opposition.** Don't label people.
- **Don't argue.** Maintain decorum and don't get drawn into an argument.
- **Remember that groups which are fostering a narrow self-interest will self-destruct** through an inability to gain mainstream support. Don't overreact.
- **Keep in mind that anger is directed at your role,** not at you as an individual. Last but not least, while remaining respectful, keep a sense of humor.

## Meeting Savvy

Consider these pieces of advice when preparing for a meeting:

- **Read the material you have been given for the meeting.** This will give you a good basic understanding of the issues and allow you to intelligently consider and discuss the issue.
- **Give colleagues time to assimilate things.** You'll notice that an idea rejected one day may be presented by the one who opposed it earlier.
- **Don't try to please everyone.** This simply does not work and makes you look weak and indecisive.
- **"We've always done it this way."** Don't become so enamored with precedent that it keeps the group from moving forward.
- **Don't waste quality meeting time dealing with routine questions or complaints** that can be resolved by staff outside the meeting.
- **Alert the Mayor and City Clerk before the meeting if you intend to bring up an important issue.** This simple courtesy will help staff prepare background information and avoid embarrassment.
- **Be sensitive to audience perceptions regarding your neutrality** during a recess, especially during hot meetings. If you meet with one group and not with another, you may be perceived as favoring that group.
- **If you disagree with a significant statement or proposal made by a colleague or staff member at a meeting, express the disagreement, in a respectful manner.** Silence may be interpreted by staff as agreement and they may take action based upon that assumption.
- **Practice civility and decorum in discussion and debate.** Avoid personal comments that could offend other Council members, the Mayor, staff or the audience.
- **Honor the role of the Chair.** Council members should honor the role of the Chair to focus discussion on agenda items and ensure the meeting moves along in a reasonable manner. If there is disagreement about the agenda or Chair's actions, those actions should be voiced politely and with reason.

## **How to Aid Discussion by Asking the Right Questions**

Questions are one of the most important tools you can use to obtain information, focus the group and facilitate decision making. Here are some samples:

### **Asking of Colleagues**

- What do you think about this item?
- What do you think the proposed action will accomplish?
- Would you please elaborate on your position?
- What results are we looking for?
- How does this fit into our priorities?

### **Asking Staff**

- What other alternatives did you consider?
- What are we trying to accomplish with this?
- What are the benefits and drawbacks?
- Will you please explain the process?

### **Asking of the Public**

- How will this proposal affect you?
- What are your concerns?
- What other ways can you suggest for solving the problem?

# Preventing and Resolving Conflicts 11

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*“Always do right. This will gratify some people and astonish the rest.”*

-- Mark Twain

It is essential for Council members to understand their role and how it relates to the roles of the Mayor, staff and other Council members. Many conflicts in City governments are the result of confusion as to these roles and the consequent overstepping of the boundaries between the respective roles.

## **Preventing and Resolving Conflicts with the Mayor**

The Mayor retains flexibility to perform the functions of the Chair of the Governing Body within the policies and regulations established by the City. Council members need to respect that role and work with the Mayor to advance the goals of the City. While the Mayor does not vote on most issues, he/she is elected City-wide, and his/her comments and thoughts should be acknowledged and respected. If a conflict/matter that comes up in the course of a meeting and cannot wait, politely and respectfully voice your concern or issue. If it is something that falls within his/her authority or purview, accept the Mayor's decision.

## **Preventing and Resolving Conflicts with other Council Members**

If a conflict/matter arises during a meeting and cannot wait, then ask for additional clarification or reasoning and center your discussion on the issue, not on the person. Avoid personal comments that could offend other Council members and continue respectful behavior in private.

## **Council Member Communication with Staff**

Requests for information should, in almost all cases, go to the City Clerk. If it is a simple request for easily retrievable information that would not involve additional research, then you can email the Department Head directly while copying the City Clerk. If you are in doubt about what staff contact is appropriate, ask the City Clerk. Any request for a meeting with staff must be directed to the Mayor and/or City Clerk, unless, again, it is for the purpose of obtaining simple information. Consider the impact on staff of your requests for information. Do not solicit political support from staff. Also remember, you do not, as an individual Council member, have the authority to direct the City Clerk or any employee to do anything. All direction comes from you acting in concert with the rest of the Governing Body.

## **Staff Communication with Council Members**

Staff should not contact Council members, unless they are responding to a simple request for information, providing pertinent information, or have been otherwise directed to do so by the Mayor or the City Clerk. If contacted by staff for any other reason, tell them that they need to

contact their Department Head or the Mayor. Do not get involved in personnel actions nor allow staff to think they can directly influence you somehow.

### **Roles of the City Clerk, The Mayor and the Governing Body**

In order to alleviate potential conflicts, it is important to understand the role of the Governing Body, the Mayor and the City Clerk in the functions of the City. The following table describes most areas of possible conflict or confusion and lays out the role and responsibility for each party.

#### **Policy Making and Implementation**

<b>City Clerk</b>	<b>Governing Body</b>
Keep Council informed	Listen to residents – keep track of their concerns and wishes
Propose policy	Discuss, develop and adopt City policies
Implement policy adopted by the Governing Body	Hold City Clerk accountable for policy implementation
Report back regarding policy implementation, effectiveness and possible improvements	

#### **Personnel Matters**

<b>Mayor/City Supervisors</b>	<b>Governing Body</b>
Hire, supervise, discipline, promote, demote and fire City employees	Adopt personnel policies, establish positions, set wage scales and benefits

#### **Budget and Strategic Planning**

<b>City Clerk</b>	<b>Governing Body</b>
Work with staff to develop preliminary budget and departmental strategic plans	Adopt city-wide strategic plan which provides framework for budget
Present budget to Governing Body and facilitate deliberation process	Discuss and adjust proposed budget to meet established goals and priorities; adopt budget, set mill levy, utility rates and other fees
Implement budget adopted by Governing Body, provide regular financial reports and present alternatives when City is faced with budget issues	Review financial reports and annual audit; make decisions to amend budget when necessary

### Meetings of the Governing Body

<b>City Clerk</b>	<b>Governing Body</b>
Prepare agenda along with City Deputy Clerk; review the agenda highlights with Governing Body members in advance of the meeting; attend meetings; report to Governing Body on matters involving City administration; propose policy initiatives or changes	Deliberate on all agenda items; take action on all agenda items; approve policy initiatives and changes

### Planning and Zoning & Code Enforcement

<b>Zoning Administrator</b>	<b>Governing Body</b>
Make recommendations to the Planning & Zoning Commission and Governing Body on a broad range of planning issues and who implement the plans and regulations approved by the Planning & Zoning Commission and Governing Body	Adopt and amend zoning code, subdivision regulations and comprehensive plan after receiving recommendations from the Planning & Zoning Commission.

### City Expenditures & Contracts

<b>Mayor (and/or) City Clerk</b>	<b>Governing Body</b>
Sign contracts; ensure supervision and enforcement of contracts; recommend a purchasing policy and, once adopted, implement the policy	Authorize execution of contracts; approve a purchasing policy; approve expenditures according to the purchasing policy.

### Relationships with Other Entities

<b>Mayor and Staff</b>	<b>Governing Body</b>
Represent the City and speak on its behalf when coordinating and working with other governmental entities	Members may serve as City representative on certain intergovernmental bodies or speak on behalf of the City when designated or as required

## Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are the motives and spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Is it just and morally right?
- Does my conduct give others a reason to trust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear where I stand?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and try to understand the views of others?
- Do I question different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

## Practical Advice

*"The most important single ingredient in the formula of success is knowing how to get along with people."*

Franklin D. Roosevelt

- **Keep disagreements from getting personal.** Discussion should be about the policy and not personalities.
- **Always be courteous to other Council members,** especially new ones who may not have a full grasp of the issue.
- **Address conflict head on.** Putting an item off to another day does not solve the problem.
- **Don't be overly swayed by a few people who called you or are in the audience.** Remember, you were elected to represent everyone in your ward, not just the few that show up for a meeting. Do what's right for the entire community!
- **The secret to successful politics is compromise!**

Part of being a public official is being subject to public scrutiny. Like it or not, the public expects you to behave according to a high level of ethical standards.

## **State Ethics Laws**

Kansas state law contains certain requirements to achieve a fair balance between public and private interests. The law requires members of the Governing Body to file a Statement of Substantial Interest to disclose to the public the ownership by the officer or his or her spouse of certain personal financial interests. Refer to the League of Kansas Municipalities *Governing Body Handbook* for the specific requirements contained in Kansas statutes. Contact the City Administrator, City Clerk or City Attorney if you have questions.

## **Code of Ethics**

Public officials have the duty of serving the public with undivided loyalty, uninfluenced by any private interests or motives. Care must be taken not to violate this duty of trust, either in fact or appearance.

## **Conflict of Interest**

A practical definition of when you have a conflict of interest is when your personal interests or life intersect with your official position. It may, in fact, be an appearance issue rather than an actual conflict of interest according to the law. Either way, you should recognize the situation for what it is and develop your strategy to address it in an ethical way.

If a Governing Body member has a statutory conflict of interest on a matter before the Governing Body, before the item is presented for consideration, that person should announce the potential conflict and excuse himself/herself from the Council Chambers until the matter has been addressed by the remaining Governing Body members. If there is a question of real or perceived conflict of interest, the Council member with the potential or real conflict should contact the City Administrator for an interpretation of the situation prior to the meeting.

Generally, a conflict of interest that would require abstention from the matter would occur in two situations. The first is when the City contracts with a private entity. A member of the governing body may not participate in making a contract with an entity in which he or she has a substantial interest (financial stake, including employment, or a leadership role such as serving on a board of directors).

The second occurs when the governing body takes up a matter in which a member has an interest that is different in kind or degree from that of others affected by the decision. For example, when the governing body discusses a policy of general applicability to land development, a governing body member involved in real estate or land development does not have a conflict unless the

impact of the policy on that member would be different from the impact on others having similar business interests.

## **Keeping Out of Trouble**

The following are some common areas where you can get in trouble by violating state statute or City code:

- Violating the Kansas Open Meetings Act (KOMA). Violation occurs when five or more Council Members meet in person, by telephone, via email, using social media, or by any other means of interactive communication for the purpose of discussing the business or affairs of the public body or agency.
- Conducting a “serial meeting” has been a particular concern under KOMA. A serial meeting involves successive interactive communications collectively involving a majority of the membership, such as by email or using social media, sharing a common topic of discussion concerning public business and intended by any participant to reach agreement on a matter that would require binding action.
- Not disclosing a conflict of interest during Council deliberation, nor refraining from participating in discussion and/or voting on something in which you have a conflict of interest.
- Disclosing information discussed in executive session.
- Not disclosing ex parte communication when a quasi-judicial matter is before the Governing Body.
- Using your office for personal gain or profit.

*If you're not sure what to do, ask: Is it legal? Is it ethical? Is it the right thing to do?*

The media is the conduit through which most City business and goings-on reach the public. As such, the media highly influences how the public perceives you and your actions. Elected officials who understand the important role of the media in building public trust and who take a proactive approach to local reporters can go a long way to build positive relationships. These relationships, in turn, are more likely to result in fair, accurate coverage.

## **Everyone Has a Role in Media Relations**

All media inquiries and requests should go through the City Clerk. Occasionally, the Mayor or the appropriate key staff will perform an interview. Nonetheless, every elected official should be prepared to be approached by the media.

Staff will do all the legwork in fielding calls from the media, providing them information, sending out press releases, and organizing media events such as press conferences. You will receive an email via the website on all news releases (copied via email on all press releases) and contacted by the staff when it's important for you to give an interview.

## **Tips to a Great Interview:**

- Tell the truth.
- Be courteous and don't play favorites.
- Nothing is "off the record." Ever!
- Always assume that a microphone is live.
- Don't rely on, "No Comment." Try to say something, even if it's: "I'm sorry, but I cannot comment on pending legal matters."
- Never say anything you wouldn't want printed or broadcasted.
- Listen carefully to the reporter's questions. Pause...think...ask for more time if you need it.
- Don't repeat a reporter's negative question in your answer. Reframe the issue accurately.
- Do not speculate. Respond only to the question you've been asked. Avoid giving well-intentioned but inaccurate information.
- Get to know your reporters. Read their columns regularly. If you see a particularly good article, give the reporter a sincere and timely compliment. Mention the article by name or topic.
- If giving a telephone interview, go to a quiet room without distractions. When a question is asked, take a moment to collect your thoughts before responding.
- Use the "Five C's to Interview Success." Speak with *conviction* in a *conversational* manner while retaining your *composure*. Be *confident* and *colorful*.
- During times of crisis, citizens need to hear a calm, reassuring and well-prepared message. Do not speculate or guess about the situation. Give facts.

## Planning Ahead

An interview with the reporter will go better with some simple advanced planning. Ask what the topic and angle of the story is to be. You don't have to give an interview right away; you can ask for time to prepare. Also...

- **Soundbites.** Develop a short list of your main talking points, and put them into “soundbites” of 7 to 12 seconds each and repeat these key points several times during the interview. This will help the reporter hone in on the message and more easily format the interview for publication.
  - **Tough questions.** Be prepared for difficult questions. Think, “If I were the reporter, what would I ask?” Then, instead of responding to a negative question, be prepared to turn the question to make the point you wish.
  - **Body language.** Be aware of how body language can send a different message from the one intended. Practice appearing open and relaxed whenever you speak with a reporter. Look at yourself in the mirror. Are you rocking (on your feet or in a chair!), fiddling with jewelry or jingling coins in your pocket? All are distracting and make you appear unprofessional. Standing or sitting with arms crossed may be interpreted as a defensive sign. Instead, assume the “soldier stance” with arms at your sides and feet slightly apart; try to relax and gesture naturally.
  - **What Not To Wear.** When appearing on camera, put thought into your choice of wardrobe. Dress conservatively, no stripes or busy designs. Do not wear white next to the skin; it washes you out. Otherwise, wear colors that complement your skin tone, hair color, and personality. Solid-colored saturated blues and greens are the standard.
  - *Practicing in advance with someone close to you can put you at ease.*
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## Budget Basics

The budget is one of the Council's strongest policy-making tools. Spending guidelines are a reflection of numerous policy decisions. The budget can give a new Council member a clear view of City policy on many issues.

Setting policy through the budget is a continuous, year-long process. It involves setting goals and establishing priorities. Public participation is critical to the budget process, as well as being required by law, because of the many policy decisions involved. Once a budget is adopted, Council members monitor program progress through periodic reports from staff. If programs are not effectively implementing policy decisions, revisions can be made.

### **The Governing Body deals with three *types* of budgets in the master budget document:**

- An operating budget for delivering services like police, fire, parks, and administration. The operating budget enables you to set policy. When most citizens think about their City's budget, they're referring to the operating budget. The operating budget is financed from the City's ongoing general revenue sources.
- Utility services or special proprietary facilities provided by the City are separately funded through user fees. These funds are called "Enterprise Funds." Officially, the City of La Cygne has Gas, Water and Wastewater (Sewer).
- The capital outlay portion of the budget determines which capital improvements will be bought or built during the budget year and how they will be financed. The master budget document also includes a breakout of capital outlay items proposed to be purchased in the upcoming budget year.

### **The Legal Document**

In Kansas, budgets must be balanced – anticipated revenues must equal forecasted expenditures. Unexpected revenues can be appropriated by a supplemental budget modification or can be allocated to reserve funds or to the following year's beginning balance. Expenditures which exceed revenues can be made only by the Council transferring funds from reserve accounts (subject to Council approval).

## **Budgeting Method**

La Cygne uses a line-item budget. The budget is prepared by adjusting expenses based on current expenditure levels. It shows how much money will be spent on every element of expense, or line item, in every department.

## **The Budget Calendar**

The budget is a living document and can be amended or adjusted throughout the year, as necessary. The standard timetable the City follows to prepare the next year's budget generally starts in March. The City Clerk meets one-on-one with each department and each Council committee to scrutinize their proposed budgets adjusting them as necessary. In June, a workshop is held to review the major budget issues. In July, the City Clerk presents the recommended budget to the Governing Body where it may direct staff to adjust the budget as it deems necessary. In August, a public hearing is held, and the City Council formally adopts the budget.

## **Fiscal Calendar**

The fiscal calendar for the City is the same as the calendar year, meaning each fiscal year begins on January 1 and ends on the following December 31.

## **Putting the Budget Together**

The following is the budget process. It is definitely a team effort involving the Governing Body, City Clerk and staff.

- **Setting Goals**

The Governing Body establishes goals throughout the year, updating the priority list. The Budget workshop is the Governing Body's opportunity to review the City's programs and its priorities and consider necessary and desired changes for the coming fiscal year. The outcome of Council workshops and actions taken at Council meetings provides guidance to the staff for preparing the budget.

- **Estimating Expenditures**

The City Clerk prepare estimates based upon a projection of current trends, a forecast of the effects of new programs, and an estimate of what is needed to operate and maintain their services.

- **Reviewing Estimates**

The City Clerk reviews departmental requests, taking into account policy objectives and priorities for new or expanded programs. What develops from this is a preliminary budget.

- **Estimating Revenues**

The City Clerk reviews revenues, asking "What are the factors affecting future revenue flows, and what is the estimated level of revenues for the upcoming budget period?" Once these questions are answered, revenue estimates are established and used in the preliminary budget.

- **Adopting the Budget**

The City Clerk presents the budget to the Council and the public for review and adoption. If approved, the budget is adopted by motion. Adoption of the budget authorizes funding specific expenditures with specific resources. As approved, the State budget forms are prepared and submitted to the State within its prescribed timelines.

- **Implementing the Budget**

The City Clerk implements the budget adopted by the Council and provides periodic reports showing accrued revenues and expenditures and a comparison of budgeted revenues and expenditures.

- **Annual Audit**

The City has an audit conducted by an independent auditor every year. The audit report contains information on cash balances, revenues, and expenditures. If there are any irregularities in budgeting and expenditure practices, they are reported. The Governing Body is provided a copy of the audit report, and the company which conducts the audit also makes a verbal report to the Governing Body.

## **An Inside Look**

Now that you know how the budget works, it is important to understand what the budget is and what it is not.

### **The budget:**

- Expresses your community's priorities.
- Works as a plan to identify resources and expenditure flows.
- Operates an annual work program by guiding program management and evaluating existing expenditures.
- Responds to change. The budget process is dynamic – it has to be flexible to meet public needs, keep up with technology and adjust to financial circumstances.

### **But the budget can't do it all. It will not:**

- Be precisely accurate. The budget relies on estimates based on forecasts.
- Create efficiency. The budget is a resource allocation plan. It can't overcome obstacles in management or staff structure.
- Establish public policy. Public policy is established through careful discussion before the budget is prepared.
- Make everyone happy. There will be winners and losers!

## **Budget Do's and Don'ts**

### **Do:**

- Evaluate materials and data carefully before you speak.
- Show your appreciation for staff. Respect their experience.
- Explore creative ways to meet your City's needs.

**Don't:**

- Expect to be an instant expert.
- Drown in details.
- Criticize previous budgets until you know all the facts and can correctly interpret them.
- Try to immediately change traditional budget practices.