

CHARTER ORDINANCE NO. ELEVEN

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM 13-526 KANSAS STATUTES ANNOTATED AND 13-2107 KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, DEPOSIT OF FUNDS.

Be it Ordained by the Governing Body of the City of Overland Park, Kansas:

SECTION 1. The City of Overland Park, Kansas, a Mayor-Council-City Manager city of the first class, by the power invested in it by Article XII, Section 5 of the Constitution of the State of Kansas hereby elects to and exempts itself from and makes inapplicable to it 13-5 26 and 13-2107 K.S.A., said section applying only to cities of the first class, and providing substitute and additional provisions as hereinafter set forth in this ordinance.

SECTION 2. The City Treasurer shall give bond to the City as may be required by and which shall be approved by the Governing Body and filed with the City Clerk. He shall deposit at reasonable times all money in some responsible bank or banks to be designated by the Governing Body, in the name of such treasurer as such officer. Before making such deposits the Council shall take from such bank or banks a good and sufficient bond or bonds, in a sum to be designated by the Council, conditioned and that such deposit shall be promptly paid on the check or draft of said treasurer; and in the monthly report of said treasurer he shall state the amount deposited in and drawn out of such bank or banks during the previous month; and no funds shall be paid by said treasurer except by check or draft on such bank or banks, and all checks and drafts drawn by said treasurer on such bank or banks shall be countersigned by the City Clerk, who shall keep an accurate record of each check or draft so countersigned by him; and it shall further be the duty of the City Treasurer, in his monthly report to the Council to make an itemized statement of the various sums received and paid out by him during the preceding month, from whom received, and on what account; and said treasurer shall keep a separate account of each fund received by him, and shall credit each account with the funds received therefor, and charge each account with the amount legally drawn thereon or paid out therefrom; and no money shall be paid out of one fund which belongs to another. All money paid to the City for licenses, taxes, or for any other purpose whatever, shall be paid to the City Treasurer, who shall issue duplicate receipts therefor, one of which shall be filed with the City Clerk, who shall enter and charge to the treasurer the same in a book kept for this purpose, and the City Clerk shall not issue any license until there is first filed with him a receipt from the City Treasurer showing that the full amount of said license has been paid.

SECTION 3. The City Treasurer shall give a good and sufficient surety company bond to the City in such amount and in such form as may be required by the Governing Body, and the cost of such bond, if any, shall be borne by such City; and said bond, before its acceptance, shall be approved by the Mayor and Governing Body, and shall be conditioned for the faithful discharge of his duties, and that such treasurer shall safely keep all public moneys entrusted to his care, and save such city free and harmless from all loss caused by neglect of duty or malfeasance in office. Said board shall require the treasurer to give a new bond whenever, in theft opinion, the existing bond is insufficient; and whenever such new bond is required, he shall perform no official act until such bond shall be given and approved in the manner aforesaid. It shall be his duty to receive and keep all money belonging to said city, and to pay out the same on warrants drawn by the City

Charter Ordinance No. Eleven

Clerk under the Seal of such city, and signed by the Mayor and countersigned by the Auditor or City Clerk, and not otherwise.

All moneys belonging to such city and received by any officer or agent thereof, from collection, fines, or any other source whatsoever, shall be by him deposited with the City Treasurer daily. For all moneys received the City Treasurer shall give duplicate receipts in all cases, one to the party paying the said money into the treasury and one to the Auditor or City Clerk. All persons charged with the collection of any money under this act, or ordinance passed in pursuance thereof, shall promptly pay the same over to the Treasurer, under such penalty as may be prescribed by ordinance, and shall forthwith hand the Treasurer's receipt to the Auditor or City Clerk, who shall countersign the original receipt and retain the duplicate. The party paying shall then hold said original receipt. Said Treasurer shall render a full and correct itemized statement of all receipts and payments to the Governing Body at their first regular meeting in each month, and at such other times as may be required by said Governing Body or the Mayor.

The City Treasurer shall make deposits in some responsible bank or banks as shall be received by him from all sources of revenue whatsoever, to his credit as Treasurer of such city, and said banks to be selected by said Governing Body. The said bank shall also execute and deliver to such city a good and sufficient surety company bond, to be approved by said Governing Body, conditioned that such bank will safely keep and account for and pay over said money promptly on the check or draft of said Treasurer; or in lieu thereof the said bank may deposit with the City Treasurer and said City Treasurer is authorized to accept as security for the deposit of said money, such bonds of the United States, of the State of Kansas, or of some city, school district, or municipality of the State of Kansas, to be approved by said Governing Body, to be kept by said City Treasurer in accordance with the requirements of Section 9-142 of the General Statutes of 1935, and amendments thereto, or such other securities as are by law provided, as a pledge that such bank will safely keep and account for and pay over said money promptly on the check or draft of said Treasurer; and, in the event that such bank does not safely keep and account for and pay over said money promptly on the check or draft of said Treasurer, the joint control of said custody of such bonds deposited as security for the City's deposit, shall cease when the city shall have given three days' notice of such default to the depositing bank and to the company having control of the safety-deposit vault in which the same are deposited, after which date the Governing Body of said city is empowered to immediately take possession of said securities given as such pledge and advertise the same for sale by three days' publication in a designated newspaper of general circulation, published in said city, and sell the same not less than ten days from and after the date of the last publication of said advertisement to the highest bidder for cash, and shall apply the funds so received, first, to the payment of said city of the funds on deposit in said bank at the time of said default; and, second, if the proceeds of said bonds when sold, exceed the amount of such deposit, the remainder of such proceeds, less the costs of said sale, shall be paid by said city to said bank and/or its legal representative; and no funds shall be paid out by said Treasurer except by check or draft upon such bank or banks, and all checks or drafts drawn by said Treasurer on such bank or banks shall be countersigned by the Auditor or City Clerk, who shall keep an accurate record of each check or draft so countersigned by him.

Said Treasurer shall also keep a separate account of each fund, and shall credit each account with the funds received therefor, and charge each account with the amount legally paid out therefrom; and no money shall be paid out of any one fund for any object or purpose other than that for which the fund was created. The City Clerk shall issue no license until there is filed with him a receipt from the City Treasurer, showing that the full amount of said license fee has been paid.

The City Treasurer shall perform such other duties as may be required of him by the Governing Body. He shall receive such salary as agreed upon by the Governing Body, which shall be fixed by ordinance.

SECTION 4. This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION 5. TAKE EFFECT.

This is a Charter Ordinance and shall take effect sixty-one (61) days after its publication unless within sixty (60) days of its final publication a sufficient petition for a referendum is filed and a referdum held on the ordinance as provided in Article XII, Section 5, subdivision (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective as approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY NOT LESS THAN TWO-THIRDS OF THE MEMBERS-ELECT VOTING IN FAVOR THEREOF THIS SEVENTEENTH DAY OF AUGUST, 1970.

ATTEST:

Bernice Heck, City Clerk

Duard Enoch, Jr., Mayor

APPROVED AS TO FORM AND LEGALITY:

Donald A. Culp, City Attorney

Passed:	8/17/70
Published:	8/29/70
	9/5/70
Effective:	11/5/70

Charter Ordinance No. Eleven