

CHARTER ORDINANCE NO. FIFTY-NINE

*(Note: This Charter Ordinance did not take effect.)*

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1737 WHICH RELATES TO THE METHODS OF FINANCING THE ACQUISITION OR CONSTRUCTION OF PUBLIC BUILDINGS AND SITES; ISSUANCE OF BONDS; TAX LEVY; USE OF PROCEEDS; INVESTMENT OF FUND; ISSUANCE OF NO-FUND WARRANTS; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS.

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

SECTION 1. The City of Overland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1737 relating to the methods of financing the acquisition or construction of public buildings and sites; issuance of bonds; tax levy; use of proceeds; investment of fund; issuance of no-fund warrants, and hereby provides substitute and additional provisions as set forth herein. Such referenced K.S.A. 12-1737 is applicable to this City but not uniformly applicable to all cities.

SECTION 2. The governing body of the City of Overland Park, Kansas, may, for the purposes hereinbefore authorized and provided:

- (a) Receive and expend gifts;
- (b) receive and expend grants-in-aid of state or federal funds;
- (c) issue bonds of the city;
- (d) levy an annual tax upon all taxable tangible property in such city for the purpose of creating a building fund to be used for the purposes herein provided and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774 and amendments thereto;
- (e) issue no-fund warrants;
- (f) use moneys from the general operating fund or other appropriate budgeted fund when available;
- (g) use moneys received from the sale of public buildings or buildings and sites; or
- (h) combine any two or more of such methods of financing for the purposes herein authorized.

If bonds are to be issued, they shall be issued in accordance with the provisions of the general bond law.

No levies shall be made for the purpose of creating a building fund under the provisions of this act until a resolution authorizing the making of such levies is adopted by the governing body of the city. Such resolution shall state the specific purpose for which the tax levy is made, the total amount proposed to be raised and the number of years the tax levy shall be made. The resolution shall be published once each week for two consecutive weeks in the official city paper.

Charter Ordinance No. Fifty-Nine

The levy authorized by this section shall be in addition to and not limited by any other act authorizing or limiting the tax levies of the city. The building fund may be used for the purposes provided by this act. If there are insufficient moneys in the building fund for expenditures for such purposes, the governing body of the city may issue bonds of the city in the manner provided by the general bond law of the state and in an amount which, together with the amount raised by the tax levy authorized by this act, will not exceed the total amount stated in the resolution creating such fund. The City is hereby authorized to invest any portion of the special building fund which is not currently needed in investments authorized by K.S.A. 12-1675 and amendments thereto in the manner prescribed therein or in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the special building fund.

No-fund warrants issued under the authority of this act shall be issued in the manner and form and bear interest and be redeemed as prescribed by K.S.A. 79-2940 and amendments thereto, except that they may be issued without the approval of the state board of tax appeals and without the notation required by K.S.A. 79-2940 and amendments thereto. The governing body of the city issuing such warrants shall levy a tax for the first tax levying period after such warrants are issued, sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law, and none of the tax limitations provided by Article 19 of Chapter 79 of the Kansas Statutes Annotated and amendments thereto shall apply to such levies.

SECTION 3. This ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official City newspaper.

SECTION 4. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OVERLAND PARK EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF OVERLAND PARK DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

PASSED by the Governing Body of the City of Overland Park, Kansas, not less than two-thirds of the members elect voting in favor thereof the 18th day of January, 1993.

Ed Eilert, Mayor

ATTEST:  
Norma Moffet, City Clerk

Charter Ordinance No. Fifty-Nine

APPROVED AS TO FORM:

Jane Neff-Brain

Senior Assistant City Attorney

Passed: 1/18/93

Published: 1/20/93

1/27/93

*This charter ordinance did not take effect.*

Charter Ordinance No. Fifty-Nine