

## CHARTER ORDINANCE NO. SEVENTY-EIGHT

*(Note: All or parts of this charter ordinance have been repealed. See notes at the end of the ordinance.)*

A CHARTER ORDINANCE RELATING TO THE FORM OF GOVERNMENT OF THE CITY OF OVERLAND PARK, KANSAS; CONCERNING THE POWERS AND DUTIES OF THE MAYOR AND THE CITY MANAGER; EXEMPTING THE CITY FROM K.S.A. 13-506; REPEALING CHARTER ORDINANCE NO. SIXTY-EIGHT AND EXISTING SECTION 8 OF CHARTER ORDINANCE NO. THIRTY-FOUR.

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

SECTION 1. The City of Overland Park, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and exempts itself from and makes inapplicable to it K.S.A. 13-506, said section applying only to cities of the first class.

### SECTION 2. POWERS AND DUTIES OF THE MAYOR

The Mayor shall be the titular head of the City and shall preside at all meetings of the Council. He shall sign all ordinances and resolutions passed by the Council; Provided, that he shall have the power to veto any ordinance or resolution passed by the Council, except the Mayor shall have no power to veto a Charter Ordinance, or appointments by the Council for vacancies on the Council. Any ordinance or resolution vetoed by the Mayor may be passed over the veto by the vote of two-thirds of the whole number of the Councilmembers-elect, notwithstanding the veto; and if the Mayor has failed to sign or veto such ordinance or resolution by the first regular meeting following the adoption of such ordinance or resolution, the same shall take effect without his signature. It shall be the duty of the Mayor to sign all contracts and agreements authorized by the Governing Body, except those contracts and agreements designated by the Governing Body to be entered into and signed by the City Manager or his/her designee. He shall represent the City Governing Body at all official City functions and shall be the official representative of the Governing Body at all meetings, conferences and negotiations relating to policy matters involving other governmental units and shall recommend Council action relating thereto. He shall be the official representative of the Governing Body at all conferences and meetings with citizens' groups and organizations interested in promoting the welfare and development of the City and shall recommend Council action relative thereto. He may annually communicate to the Council in writing such information as he may possess with reference to the condition of the City, and recommend such measures as he may deem necessary and expedient. He may inform the Council concerning questions of policy and may make policy recommendations to the Council.

### SECTION 3. POWERS AND DUTIES OF THE CITY MANAGER

The City Manager shall be responsible for the administration of all of the affairs of the City. The City Manager shall see that the laws and ordinances of the City are enforced. The City Manager shall have the authority to appoint, promote, transfer, assign and demote, discipline, lay off, suspend, discharge, or remove all heads of departments, and all subordinate officers and employees of the City. All such appointments shall be made upon merit and fitness alone.

Charter Ordinance No. Seventy-Eight

Provided that, the City Manager may delegate at his or her discretion such authority to appoint, promote, transfer, assign and demote, discipline, lay off, suspend, discharge, or remove subordinate officers and employees of the City to department directors and division heads. In addition, the City Manager may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. The City Manager shall prepare and submit the annual budget to the Governing Body and also keep the City fully advised as to the financial conditions and needs of the City. The City Manager may make recommendations to the Governing Body on all matters concerning the welfare of the City and shall have a seat, but no vote, in all of the public meetings of the Governing Body. The City Manager, or his/her designee, may enter into, execute, approve and accept, on behalf of the City, all contracts, agreements and other documents as designated by the Governing Body.

SECTION 4. Charter Ordinance No. Sixty-Eight and existing Section 8 of Charter Ordinance No. Thirty-Four are hereby repealed.

SECTION 6. This ordinance shall be published once each week for two consecutive weeks in the Overland Park Sun, an official City newspaper.

SECTION 7. 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 not less than two-thirds of the members elect voting in favor thereof the 5th day of March, 2001.

Ed Eilert, Mayor

ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

Jane Neff-Brain

Senior Assistant City Attorney

Passed:	3/5/2001
Published:	3/7/2001
	3/14/2001
Effective:	5/14/2001

*Entire ordinance repealed by Charter Ordinance No. Eighty-Four.*