

CHARTER ORDINANCE NO. SIXTY-NINE

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 79-1950 RELATING TO THE AUTHORITY OF CITIES OF THE FIRST CLASS HAVING A POPULATION BETWEEN 60,000 AND 130,000 TO LEVY AN *AD VALOREM* PROPERTY TAX, AND RELATING TO LIMITATIONS ON THE RATES OF LEVY FOR CERTAIN PURPOSES; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS AUTHORIZING THE CITY OF OVERLAND PARK TO LEVY AN *AD VALOREM* PROPERTY TAX.

WHEREAS, the statutory authority of the City of Overland Park to levy its *ad valorem* property tax for the general fund and other city purposes is contained in K.S.A. 79-1950, which is applicable to cities of the first class having a population between 60,000 and 130,000; and

WHEREAS, K.S.A. 79-1950 will no longer provide such authority for the City of Overland Park when the population of the City officially exceeds 130,000 persons; and

WHEREAS, the most recent population figures available from the United States bureau of the census as certified to the secretary of state of Kansas by the division of the budget on July 1, 1996, pursuant to K.S.A. 11-201 show the population of the City of Overland Park to be 128,879 persons; and

WHEREAS, the limitations on the rates of levy contained in the statute are inapplicable in the City of Overland Park.

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

SECTION 1. The City of Overland Park, Kansas by 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 provisions of K.S.A. 79-1950 relating to the authority of cities of the first class having a population between 60,000 and 130,000 to levy an *ad valorem* property tax and relating to limitations on the rates of levy for certain purposes, and hereby provides substitute and additional provisions as set forth herein. Such referenced statute is applicable to this City but not uniformly applicable to all cities.

SECTION 2. The City of Overland Park is hereby authorized to levy an *ad valorem* property tax for the general fund and other city purposes.

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

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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 not less than two-thirds of the members elect voting in favor thereof the 2nd day of June, 1997

Ed Eilert, Mayor

ATTEST:

Norma Moffet, City Clerk

APPROVED AS TO FORM:

Robert J. Watson

City Attorney

Passed: 6/2/97
Published: 6/4/97
6/11/97
Effective: 8/11/97