

CHARTER ORDINANCE NO. TWENTY-THREE

(Note: All or parts of this charter ordinance have been repealed.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

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM SECTION 13-1017 OF THE KANSAS STATUTES ANNOTATED AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

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 of the first class, 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 Section 13-1017 of the Kansas Statutes Annotated, said section applying only to cities of the first class, and provides substitute and additional provisions as hereafter indicated.

SECTION 2. Estimate of cost of improvements; contracts; bids; bond issue, when.

Before undertaking the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement in any street, highway or public grounds, or of any public building or facility, or any other kind of public improvement in the City of Overland Park shall be commenced or ordered by the governing body, or under its authority, a detailed estimate of the cost of such improvements shall be made under oath by the city engineer (or other competent person, appointed for such purposes by the governing body) and said estimate shall be submitted to the governing body for its action thereon; and in all cases where the estimated cost of the contemplated building, facility or public improvement amounts to more than five thousand dollars (\$5,000), sealed proposals for the building or construction thereof shall be invited by advertisement, published by the city clerk in the official city paper for at least three (3) consecutive days, and the governing body shall let all such work by contract to the lowest responsible bidder, if there be any such whose bid does not exceed the estimate.

If no responsible person shall propose to enter into the contract at a price not exceeding the estimated cost, all bids shall be rejected and the same proceedings as before repeated, until some responsible person by sealed proposal shall offer to contract for the work at a price not exceeding the estimated cost: Provided, that if no responsible bid shall be received within the estimate, the governing body shall have power to make said improvement within the estimated cost thereof, and shall further have the power to purchase the necessary tools, machinery, apparatus, materials, employ the necessary labor, construct the necessary plant or plants for the purpose of carrying into effect the provisions of this act. In no case shall the City be liable for anything beyond the estimated cost or the original contract price for doing such work or making such improvements.

Before any type of public improvements shall be commenced, the money to pay for the same must be available in the City treasury as provided by law; or provision may be made for the issuance of internal improvement bonds to pay for any such improvement as provided by law: Provided, that this section shall not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change in any structure, street or facility; and "public improvement" as used herein shall not include the making of repairs or the maintenance of any building, street, sidewalk or other public facility in such cities by employees of said cities or the making of any expenditures from the City budget for such purposes. And further provided

Charter Ordinance No. Twenty-Three

that this section shall not be construed to include improvements financed by industrial revenue bonds issued pursuant to K.S.A. 12-1740, et seq.

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 sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c)(3) of the Constitution 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 the 1st day of October, 1979 .

Ben M. Sykes
Mayor

ATTEST:
Bernice Crummett
City Clerk

APPROVED AS TO FORM:
Phillip L. Harris
City Attorney

Passed: 10/1/79
Published: 10/5/79
10/12/79
Effective: 12/12/79

Entire ordinance repealed by Charter Ordinance No. Twenty-Six