

CHARTER ORDINANCE NO. THIRTY-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*(Note: All or parts of this charter ordinance have been repealed.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; REPEALING CHARTER ORDINANCE TWENTY-SIX.

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

SECTION 1. The City of Overland Park, a Mayor-Council-Mayor 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 on 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, any department director or any other competent person appointed for such purposes by the Governing Body, and the estimate shall be submitted to the Governing Body for its action thereon. In all cases where the estimated cost of the contemplated public improvement amounts to more than Five Thousand Dollars (\$5,000), sealed proposals for the public improvement shall be invited by advertisement, published by the city clerk once in the official City newspaper, and the Governing Body shall let all such work by contract to the lowest and best responsible bidder. Notwithstanding the foregoing, the Governing Body reserves the right to refuse all or any part of any bid when it is felt that such action is in the best interest of the City.

If no qualified responsible person shall propose to enter into the contract at a price not exceeding the estimated cost, all bids may be rejected and the same proceedings as before repeated. In the alternative, if all bids exceed the estimated cost, the Governing Body may accept the bid and let the work by contract to the lowest and best responsible bidder; but if that cost is greater than seven percent over the estimated cost, the department director of the department letting the bids or his/her designee shall give a full explanation to the Governing Body of the reason for the discrepancy. In no case shall the City be liable for anything beyond the original contract price for doing the work or making the 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:

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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. "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 the City by employees of the City or the making of any expenditures from the City budget for such purposes. And further provided 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. Charter Ordinance No. Twenty-Six is hereby repealed.

SECTION 4. This ordinance shall be published once each week for two consecutive weeks in the Overland Park Sun, an official City newspaper.

SECTION 5. This is a Charter Ordinance and shall take effect sixty-one 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 10th day of December, 1984.

Ed Eilert, Mayor

ATTEST:

Bernice Crummett, City Clerk

APPROVED AS TO FORM:

Jane Neff-Brain  
Assistant City Attorney

Passed:	12/10/84
Published:	12/14/84
	12/21/84
Effective:	2/20/85

*Entire ordinance repealed by Charter Ordinance No. Seventy-One*