

CHARTER ORDINANCE NO. SEVENTY-ONE

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 THIRTY-THREE.

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 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 hereinafter set forth.

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

Before the City of Overland Park undertakes the construction or reconstruction of any public improvement, including but not limited to, sidewalks, curbs, gutters, sewers, bridges, pavements, streets, highways, public grounds, public buildings and public facilities a detailed estimate of the cost of such improvement 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 Fifty Thousand Dollars (\$50,000), 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 improvement.

Before any type of public improvement 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.

The bidding process herein set forth may be waived by an affirmative vote of a majority of the Governing Body, if the best interest of the City would be so served.

This section shall not apply to:

- a. any repair or maintenance work not amounting to substantial alteration, addition or change in any public improvement.
- b. the construction, reconstruction, repair or the maintenance of any public improvement by employees of the City .
- c. improvements financed by economic development revenue bonds issued pursuant to K.S.A. 12-1740, et seq..

SECTION 3. Charter Ordinance No. Thirty-Three 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 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 February, 1998.

Ed Eilert, Mayor

ATTEST:

Norma Moffet, City Clerk
APPROVED AS TO FORM:

Jane Neff-Brain, Senior Assistant City Attorney