

APPENDIX A. CHARTER ORDINANCES

NOTE:

The charter ordinances included herein are for information only. Each contains the substance as adopted by the Governing Body but enacting clauses, publication clauses and signatures have been omitted to conserve space. Complete copies of each ordinance as adopted are on file in the office of the City Clerk. Date of passage and effective date are shown in parenthesis at the end of the text.

CHARTER ORDINANCE NO. 39

CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 32, EXEMPTING THE CITY OF LEAWOOD, KANSAS, FROM THE PROVISIONS OF K.S.A. § 12-1017 WHICH RELATES TO COMPETITIVE BIDS AND BIDDING AND PROVIDING AMENDED AND SUBSTITUTED PROVISIONS ON THE SAME SUBJECT AND REPEALING ANY PROVISIONS IN CONFLICT HEREWITH.

Section 1. The City of Leawood, by the power vested 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 set forth.

Section 2. *Estimate of Cost of Improvements; Contracts; Bids; Bond Issue, When.*

- (a) Before the City of Leawood undertakes the construction or reconstruction of any public improvement, including but not limited to sidewalks, curbs, gutters, bridges, pavement, sewers, streets, highways, public grounds, public buildings, or public facilities, a detailed estimate of the cost of the improvements shall be made under oath by the city engineer, department head or 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.
- (b) Subject to subsection (c), in all cases where the estimated cost of the contemplated public improvement amounts to more than \$25,000, sealed proposals for the improvement shall be invited by advertisement, published by the city clerk once in the official city paper and the governing body shall let all such work by contract to the lowest responsible bidder, if there is any whose bid does not exceed the estimate.

- (c) In no event shall sealed proposals and competitive bids be required when the public improvement project is to be completed by a contractor under the terms of an existing approved contract provided that such contract has been competitively bid and executed within the previous 12 months.
- (d) 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.
- (e) If no qualified 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. 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 or may otherwise purchase the required tools and employ the necessary labor to complete the work. In no case shall the City be liable for anything beyond the original contract price for doing the work or making the improvement.
- (f) Before any type of public improvement is 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.
- (g) The bidding process set forth herein may be waived by an affirmative vote of a majority of the Governing Body, if the best interest of the City would be served thereby.
- (h) The bidding process required hereunder is not required for any repair or maintenance work not amounting to substantial alteration, addition or change in any structure, street or facility. Further such process is not required for the making of repairs or the maintenance of any building, street, sidewalk or other public facility in Leawood by Leawood's employees or for the making of any expenditure from the city budget for such purposes.

Section 3. Any sections of the Code of the City of Leawood, 2000 and amendments thereto or any sections of Charter Ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be published once each week for two consecutive weeks in The Legal Record, 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 Leawood 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 Leawood, 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.

[Date Passed: 11-07-11]
[Effective Date: 01-23-12]