

ORDINANCE NO. 20-03

AN ORDINANCE AMENDING OLATHE MUNICIPAL CODE SECTIONS 2.34.010 2.34.020, 2.34.030, 2.34.040 AND 2.34.050; PERTAINING TO THE OLATHE COMMUNITY FUND; AND REPEALING THE EXISTING SECTIONS.

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

SECTION ONE: Section 2.34.010 of the Olathe Municipal Code is hereby amended to read as follows:

**“2.34.010 Olathe Community ~~Foundation~~ Fund
Established – Purpose.**

(A) There is hereby established the Olathe Community ~~Foundation~~ Fund.

(B) The purpose of the Olathe Community ~~Foundation~~ Fund is to provide financial resources for activities and projects within the City that might not otherwise be provided through tax dollars, through solicitation of charitable contributions from individuals and businesses and expenditures of such contributions for the benefit of the community. Expenditures by or on behalf of the Olathe Community ~~Foundation~~ Fund are intended to complement, supplement, or enhance capital improvements and services provided by the City and will not compete with or duplicate capital improvements and services already provided by the City.

(C) The Olathe Community ~~Foundation~~ Fund will promote cultural, educational, recreational, artistic, charitable, and environmental activities that enrich the lives of the residents of the City. The Olathe Community ~~Foundation~~ Fund, on behalf of the City, has the power to accept charitable donations of cash, goods, and services as is necessary or convenient to the transaction of the Olathe Community ~~Foundation~~ Fund's business and the achievement of its purpose.”

SECTION TWO: Section 2.34.020 of the Olathe Municipal Code is hereby amended to read as follows:

“2.34.020 ~~Directors~~ Members – Appointment, Terms, Ex Officio ~~Directors~~ Members.

(A) The Olathe Community ~~Foundation~~ Fund ~~Board of Directors~~ Advisory Committee consists of a maximum of seven (7) ~~Directors~~ Members, excluding ex officio ~~Directors~~ Members. ~~Directors~~ Members will be nominated by the Mayor and confirmed by the Governing Body. ~~Directors~~ Members must be residents of the City. ~~Directors~~ Members will serve without compensation. The Governing Body may serve as the ~~Board of Directors~~ Advisory Committee until the Members of the ~~Board of~~ Directors Advisory Committee are appointed.

(B) ~~Directors~~ Members will serve for terms of three (3) years. ~~Directors~~ Members will usually serve no more than two (2) consecutive three (3) year terms, except that a ~~Director~~ Member may serve an additional term or terms if reappointed by the Governing Body. A ~~Director~~ Member may be removed from office at any time by the Mayor with the majority vote of the Governing Body.

(C) A vacancy or vacancies on the ~~Board~~ Advisory Committee exists in case of the death, resignation, or removal of any ~~Director~~ Member. The Governing Body is not required to fill a vacancy. Any filling of vacancies will be done in the manner described in this Section and will be for the remainder of the unexpired term of the previous ~~Director~~ Member. No reduction of the authorized number of ~~Directors~~ Members will have the effect of removing any ~~Director~~ Member prior to the expiration of such ~~Director~~ Member's term of office.

(D) The Mayor, the City Manager, and a Councilmember appointed by the Governing Body will serve as ex officio ~~Directors~~ Members. The Mayor and the City Manager will serve as long as they hold their positions with the City. Upon termination of their positions with the

City, their positions as ex officio ~~Directors~~ Members are terminated and their successors at the City will be their successors as ex officio ~~Directors~~ Members. The Councilmember will serve at the discretion of the Governing Body and may be replaced by the Governing Body at its discretion. The ex officio ~~Directors~~ Members have all the rights and privileges of the other ~~Directors~~ Members. Ex officio Members may be added to the ~~Board~~ Advisory Committee with Governing Body approval.”

SECTION THREE: Section 2.34.030 of the Olathe Municipal Code is hereby amended to read as follows:

“2.34.030 Organization – Officers.

(A) The ~~Board~~ Advisory Committee will meet as often as necessary, but at least once per month. A majority of the Members of the ~~Board~~ Advisory Committee constitutes a quorum for the transaction of business.

(B) The ~~Board~~ Advisory Committee will elect from its Members a chairperson, a vice-chairperson, a Treasurer, and a Secretary. The President will preside at all meetings of the Members and at all meetings of the ~~Board~~ Advisory Committee. In the absence or disability of the President, the Vice-President will perform all the duties of the President, and when so acting will have all the powers of, and be subject to all the restrictions upon, the President. The Secretary will keep, or cause to be kept, a book of minutes of all meetings of ~~Directors~~ the Advisory Committee. The Treasurer will keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the ~~Foundation~~ Fund. The Treasurer will also monitor funds contributed to the ~~donor advised fund~~ Field of Interest Fund maintained by the Greater Kansas City Community Foundation for the benefit of the Olathe Community ~~Foundation~~ Fund. The books of account will at all reasonable times be open to inspection by any ~~Director~~ Member.”

SECTION FOUR: Section 2.34.040 of the Olathe Municipal Code is hereby amended to read as follows:

“2.34.040 Duties and Powers.

ATTACHMENT A

The ~~Board~~ Advisory Committee has the following powers and duties:

(A) To establish charitable programs that promote cultural, educational, recreational and environmental activities and projects that enrich the lives of City residents;

(B) To conduct fundraising activities to support the purpose of the ~~Foundation~~ Fund as described in OMC Section 2.34.010;

(C) To make recommendations to the Greater Kansas City Community Foundation for the expenditure of funds in support of the purpose and activities of the ~~Foundation~~ Fund as described in OMC Section 2.34.050; and

(D) To complete and present to the Governing Body an annual report setting forth its accomplishments and goals.”

SECTION FIVE: Section 2.34.050 of the Olathe Municipal Code is hereby amended to read as follows:

“2.34.050 Greater Kansas City Community Foundation.

(A) A ~~donor advised fund~~ Field of Interest Fund will be established at the Greater Kansas City Community Foundation to hold and invest the contributions and disbursements of the Olathe Community ~~Foundation~~ Fund.

(B) ~~Directors~~ The Advisory Committee must deposit cash contributions and other monies received by the ~~Foundation~~ Fund in the name of and to the credit of the ~~Foundation~~ Fund in the ~~donor advised fund~~ Field of Interest Fund maintained with the Greater Kansas City Community Foundation. ~~Directors~~ Members who disburse ~~the Foundation's~~ such funds will render ~~to the Foundation~~ an account of all such disbursements. The Treasurer will periodically report to the ~~Directors~~ Advisory Committee on all financial transactions and the financial condition of the ~~Foundations~~ donor advised fund Field of Interest Fund with the Greater Kansas City Community Foundation.

(C) ~~Directors~~ The Advisory Committee will make recommendations to the Greater Kansas City Community Foundation and request the expenditure of funds in the ~~donor advised fund~~ Field of Interest Fund established and maintained by the ~~Foundation~~ Fund for projects and activities in furtherance of the purpose of the ~~Foundation~~ Fund as described in Section 2.34.010. Such requests and recommendations may only be made by a majority vote of the ~~Board of Directors~~ Advisory Committee.”

ATTACHMENT A

SECTION SIX: Existing Olathe Municipal Code Sections 2.34.010, 2.34.020, 2.34.030, 2.34.040, and 2.34.050; are hereby repealed.

SECTION SEVEN: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this _____ day of _____, 2020.

SIGNED by the Mayor this _____ day of _____, 2020.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.