



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 5/7/2024

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**FOCUS AREA:** Legal

**STAFF CONTACT:** Ron Shaver and Bob Gallimore

**SUBJECT:** Consideration of Charter Ordinance No. 81 concerning City officers and employees.

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**TITLE:**

Consideration of Charter Ordinance No. 81 concerning City officers and employees.

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**SUMMARY:**

This item was presented to the City Council as a report at the meeting on April 16, 2024. Additional information has been added to the summary of statutes in response to questions at that meeting.

Staff recently completed projects that involved reviewing the City's charter ordinances for consistency with each other, the Olathe Municipal Code ("O.M.C."), and Kansas statutes. Staff identified eleven Kansas statutes with provisions regarding the appointment, powers, and duties of City officers and employees that potentially conflict with City charter ordinance or O.M.C. provisions (Attachment A). Staff has prepared Charter Ordinance No. 81 to exempt the City from these Kansas statutes and to authorize substitute provisions by charter or ordinary ordinance. (Attachment B). The charter ordinance also provides substitute provisions regarding the duties of the City Clerk. Other cities, including Overland Park, Lenexa, and the Unified Government, have exempted themselves from some or all of these statutes.

The Kansas Constitution allows a city to use its home rule powers to, by charter ordinance, exempt itself from state statutes that are not enactments of statewide concern applicable uniformly to all cities, such as these statutes applicable only to cities of the first class. There are several procedural requirements before a charter ordinance may take effect. First, the charter ordinance must pass the City Council by a 2/3 majority. Second, the charter ordinance must be published twice in the official city newspaper. Finally, the charter ordinance will not take effect until a 60-day protest period has tolled.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

Approve Charter Ordinance No. 81 by a 2/3 majority.

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**ATTACHMENT(S):**

A - Summary of statutes

B - CO 81 - Officers and Employees

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