



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 1/7/2020

DEPARTMENT: Legal

STAFF CONTACT: Ron Shaver, Daniel Yoza

SUBJECT: Consideration of Charter Ordinance No. 80 and Ordinance No. 20-02 concerning the Municipal Court Administrator.

ITEM DESCRIPTION:

Consideration of Charter Ordinance No. 80 and Ordinance No. 20-02 concerning the Municipal Court Administrator.

SUMMARY:

This item was presented to the City Council as a report at the December 17, 2019 meeting. Staff has prepared a Charter Ordinance and an ordinary Ordinance to clarify the position of the Municipal Court Administrator. The new Charter Ordinance exempts the City from the Kansas Statutes about the office of Municipal Court Clerk and authorizes substitute provisions in the ordinary Ordinance. The new ordinary Ordinance provides these substitute provisions which define the Court Administrator's role.

Charter Ordinance No. 80 ([Attachment A](#)) exempts the City from the provisions of K.S.A. 12-4108 and 13-628d, which define certain powers and duties of the Clerk of the Municipal Court. These older statutes do not align with the way Kansas cities (including Olathe) typically administer their Municipal Courts. Many Cities have exempted themselves from these statutes, including Overland Park, Leawood, and Lenexa.

The attached Ordinance No. 20- XX ([Attachment B](#)) names the position of Court Administrator as the position which either performs or supervises the tasks that statutes require the Court Clerk to perform. The combination of the proposed Charter Ordinance and ordinary Ordinance would update City ordinances to reflect current state of City operations and also clarify in ordinance how the Court Administrator is appointed (by the City Manager or designee) and the duties they are to perform.

The Kansas Constitution requires several procedural steps to pass a Charter Ordinance. First, the Charter Ordinance must pass by a 2/3 majority. Second, the Ordinance must be published twice in the Official City Newspaper. Finally, the Ordinance will not become effective until a 60-day protest period has tolled.

FINANCIAL IMPACT:

None

ACTION NEEDED:

Approve Charter Ordinance No. 80 by a 2/3 majority. Approve Ordinance No. 20-02.

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ATTACHMENT(S):

A - CO 80 Court Administrator

B - Court Administrator Ordinance No. 20-02