



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 8/4/2020

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**DEPARTMENT:** Legal

**STAFF CONTACT:** Ron Shaver/Daniel Yoza

**SUBJECT:** Consideration of Ordinance No. 20-28 making amendments to the Olathe Emergency Operations Act, O.M.C. Chapter. 2.08.

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**ITEM DESCRIPTION:**

Consideration of Ordinance No. 20-28 making amendments to the Olathe Emergency Operations Act, O.M.C. Chapter. 2.08.

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**SUMMARY:**

This ordinance was presented to the Council as a report item at the July 21, 2020 meeting. During the 2020 special session of the Kansas Legislature, House Bill No. 2016 ("HB 2016") passed. This bill amends K.S.A. 48-939 to make the violation of rules and regulations issued pursuant to local disaster emergency declarations a civil penalty only.

Olathe has a statutory Emergency Operation Plan, codified in Olathe Municipal Code Chapter 2.08. Currently, the penalty for violating Chapter 2.08 is an Unclassified Public Offense, for which the sentence is confinement in jail, a fine, or both. However, HB 2016 makes the violation a civil offense with no jail time. To remain consistent with state statute, staff recommends Section 2.08.220 be amended as shown in the draft ordinance **Attachment 1**.

The other amendments in the ordinance are simply corrections to refer to Chapter 2.08 as the emergency "ordinance," instead of the emergency "act." This is the legally correct name for actions taken by the City, and prevents confusion between State and City disaster declarations.

The proposed amendments are in **Attachment 1**. House Bill No. 2016 Section 36 is in **Attachment 2**.

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**FINANCIAL IMPACT:** None.

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**ACTION NEEDED:**

Approve Ordinance No. 20-28 amending the Olathe Emergency Operations Act, O.M.C. Chapter. 2.08

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**ATTACHMENT(S):**

Attachment 1 - O.M.C. Chapter 2.08 Amendments.  
Attachment 2 - HB 2016 Section 36