

CHARTER ORDINANCE NO. 45

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, PROVIDING THAT K.S.A. 13-1017, AND ANY AMENDMENTS THERETO, PERTAINING TO CONSTRUCTION OR RECONSTRUCTION OF PUBLIC IMPROVEMENTS, SHALL NOT APPLY TO THE CITY OF LAWRENCE, KANSAS, PROVIDING THAT THE CITY SHALL BE EXEMPT THEREFROM, PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT, AND REPEALING EXISTING CHARTER ORDINANCE NO. 19

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

Section 1. The City of Lawrence, Kansas, a Commission-Manager City of the first class, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from, and to make inapplicable to it, Section 13-1017 of the Kansas Statutes Annotated, and amendments thereto, said section applying only to cities of the first class, and provides substitute and additional provisions as hereinafter indicated.

Section 2. Unless the Governing Body elects to act in accordance with Section 3 below, the following shall apply: Before undertaking the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement of any street, highway, public grounds, or public building or facility, or any other kind of public improvement in the City of Lawrence is commenced or ordered by the Governing Body, or under its authority, a detailed estimate of the cost of the improvements shall be made under oath by the City Engineer (or some other competent person, appointed for such purposes by the City Manager). In cases where the estimated cost of the contemplated building, facility or other improvement amounts to more than \$50,000, such cost estimate shall be submitted to the Governing Body for its action thereon and sealed proposals for the improvement, unless waived by the Governing Body, shall be invited by advertisement. Said advertisement will be published by the City Clerk once in the official City paper. The Governing Body shall let all such work by contract to the lowest responsible bidder who submits a responsive bid, if there is any whose bid does not exceed the estimate.

If no responsible person proposes to enter into the contract at a price not exceeding the estimated costs, all bids received pursuant to Section 2 of this Charter Ordinance shall be rejected and the same proceedings as before repeated, unless waived by the Governing Body, until some responsible person by sealed proposal offers to contract for the work at a price not exceeding the estimated cost. If no responsible bid is received within the estimate, the Governing Body shall have power to make the improvement within the estimated costs thereof, and shall further have the power to purchase the necessary tools, machinery, apparatus, and materials; employ the necessary labor; and construct the necessary plant or plants for the purpose of carrying into effect the provisions of this Charter Ordinance. In no case shall the City be liable for anything beyond the estimated cost or the original contract price for doing such work or making such improvements.

Section 3. Notwithstanding Section 2 of this Charter Ordinance, the Governing Body may authorize the City Manager to cause the City of Lawrence to undertake the construction or reconstruction of any public improvement by or through an alternative project delivery method upon a finding by the Governing Body that such alternative project delivery method is in the public interest. The City Manager shall adopt procedures for selecting the delivery method and for the conduct of the alternative project delivery process.

Section 4. 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. This Section shall not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change in any structure, street or facility. "Public improvement" as used herein shall not include the making of repairs or the maintenance of any building, street, sidewalk or other public facility in the City by employees of the City or the making of any expenditures from the City budget for such purposes.

Section 5. Any future modification to the \$50,000.00 cost provision stated in Section 2 of this Charter Ordinance can be made by simple ordinance.

Section 6. If any section, sentence, clause, or phrase of this Charter Ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Charter Ordinance.

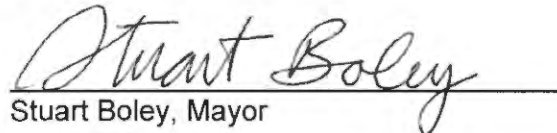
Section 7. Charter Ordinance No. 19 of the City of Lawrence, Kansas, shall be repealed and of no further force and effect upon the effective date of this Charter Ordinance.

Section 8. This Charter Ordinance shall be published once each week for two consecutive weeks in the Official City Newspaper.


Section 9. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the Ordinance as provided in Article 12, Section 5, Subsection (c) (3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electors voting thereon. In the event there is no referendum, this Ordinance will be effective sixty-one (61) days after final publication or after the Governing Body has approved the required procedures referenced in Section 3, supra, whichever shall occur later.

Passed by the Governing Body of the City of Lawrence, Kansas, not less than two-thirds of the members-elect voting in favor thereof, the 20th day of February, 2018.

APPROVED:



Stuart Boley, Mayor

ATTEST:


Sherri Riedemann, City Clerk



APPROVED AS TO FORM:


Toni R. Wheeler, City Attorney