

Approved April 7, 1986
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at
Chairperson

9:00 a.m./~~p.m.~~ on April 3, 1986 in room 531-N of the Capitol.

All members were present except: Senator Gaines who was excused

Committee staff present: Mike Heim, Theresa Kiernan, Emalene Correll, Lila McClaflyn

Conferees appearing before the committee:

Ernie Mosher, Executive Director, League of Kansas Municipalities
Scott Lambers, City of Overland Park, KS.

S.B. 758 - concerning cities; requiring public bids for certain improvements and contracts.

Senator Bogina explained the bill and why he had requested it. The part of the bill that he was the most interested in started on line 64 with the penalty provision.

Staff reviewed the statutes regarding contracts and bids by different governmental agencies and recommended the following amendments: the first was a cleanup one, on page 2 in line 62, striking "county" and inserting "city"; the Committee might want to include counties and school districts under the provisions of \$10,000 dollar limit and with the same penalty provision; and several statutes were pointed out that could be repealed if this legislation was passed.

Ernie Mosher, League of Kansas Municipalities, stated the League did not have a position on this bill. He presented the Committee with a list on file with the League, listing City Charter Ordinances affecting KSA 13-107. (Attachment I)

Scott Lambers, City of Overland Park, KS., stated they have some concern that the bill would not give them the flexibility that they have presently.

Committee discussion followed.

Senator Bogina moved to amend S.B. 758, on line 62, striking "county" and inserting "city" and including the language, "city means city of the first class". Senator Daniels seconded the motion. The motion carried.

Senator Bogina moved to conceptually amend S.B. 758 to include counties and school districts and all contracts over \$10,000 shall be awarded on a bid letting procedure. Senator Daniels seconded the motion. The motion carried.

Senator Mulich moved to conceptually amend S.B. 758 to include counties and school districts in the penalty provision. Senator Daniels seconded the motion. The motion carried.

Senator Bogina moved to pass the bill as amended. Senator Mulich seconded the motion. The motion carried.

S.B. 760 - concerning public improvements outside the corporate limits of a city.

Senator Bogina explained the bill. He stated if the city has

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,
room 531-N, Statehouse, at 9:00 a.m./~~p.m.~~ on April 3, 1986

adopted a master plan any public improvements within the three mile radius of a city would be required to conform to the city code. This was a recommendation we heard from many of the cities during the hearings on annexation. Many cities thought they had to annex these areas to protect it.

The Chairman stated this was one of the recommendation of the interim study on annexation.


Ernie Mosher and Scott Lambers both supported the bill.

Senator Bogina moved to pass S.B. 760. Senator Steineger seconded the motion. The motion carried.

Senator Mulich moved to adopt the minutes of March 31, 1986. Senator Daniels seconded the motion. The minutes were adopted.

The Chairman expressed thanks to the Committee for their work and consideration during the session.

The meeting adjourned.



Senator Don Montgomery

**CITY CHARTER ORDINANCES AFFECTING
K.S.A. 13-1017**

(On File With League of Kansas Municipalities)

Topeka. No. 17, 24, 45. Many changes. \$5,000.

Wichita. No. 21, 67, 79, 80. Limited to streets, \$10,000;
other provisions.

Coffeyville. No. 17. Exception for an interceptor project.

Dodge City. No. 14. Requires estimate for any project;
removes bid requirement.

Fort Scott. No. 7. Exception for historical site improvements.

Hutchinson. No. 8, 20. \$4,000.

Kansas City. No. 19, 41, 72. \$4,000.

Lawrence. No. 3. All bond financed improvements.

Lenexa. No. 15. \$10,000.

Manhattan. No. 13. \$10,000.

Newton No. 6. Estimate required for any contracted improvement.

Overland Park. No. 33. \$5,000.

Pittsburg. No. 9. \$2,000; 3 publications.

Atchison. No. 18. \$10,000.

Olathe. No. 17. Requires estimate; no bid requirement.

14-440. Contracts; estimates. Before the city council shall make any contract for building bridges or sidewalks or for any work on streets, or for any other work or improvement, an estimate of the cost thereof shall be made by the city engineer and submitted to the council; and no contract shall be entered into for any work or improvement for a price exceeding such estimate.

(ATTACHMENT I)

4/3/86 S.L.G

13-1017. Estimate of cost of improvements; contracts; bids; bond issue, when. 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 any city of the first class 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 governing body). Such estimate shall be submitted to the governing body for its action thereon. In all cases where the estimated cost of the contemplated building, facility or other improvement amounts to more than \$2,000, sealed proposals for the improvement shall be invited by advertisement, 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, if there is any whose bid does not exceed the estimate.

10, 1000

If no responsible person proposes to enter into the contract at a price not exceeding the estimated cost, all bids shall be rejected and the same proceedings as before repeated, 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 cost 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 act. 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.

Before any type of public improvements 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 such cities by employees of such cities or the making of any expenditures from the city budget for such purposes.

add the penalty