

ORDINANCE NO. OES-3308

AN ORDINANCE RELATED TO CLAIMS AGAINST THE CITY, CITY OFFICERS, AND CITY EMPLOYEES; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 3.40.010, 3.40.020, AND 3.40.070 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR; AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 3.32.010, 3.32.020, 3.40.030, 3.40.040, 3.40.050, AND 3.40.060.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

Section 1. Overland Park Municipal Code Section 3.40.010 is hereby amended to read as follows:

3.40.010 Payment and Approval of Legal Actions.

Except as otherwise addressed by ordinance or resolution, the Governing Body, City Manager, or City Attorney may approve on behalf of the City any action that the City is authorized to take pursuant to the Kansas Tort Claims Act (K.S.A. 75-6101 et seq., and amendments thereto), and any reasonable expense for such actions and for other claims against the City or its employees when the claim arises from actions that were within the scope of employment of the employee. The Governing Body, City Manager, or City Attorney may also initiate on behalf of the City appeals of such actions or claims, and approve reasonable expenses for those appeals. Except as otherwise addressed by ordinance or resolution, the Governing Body, City Manager, or City Attorney may approve agreements with legal counsel and reasonable expenses for legal services within the limitations of the annual City budget. The payment of expenses shall be supplemental to any expense incurred by any insurance company under the company's contractual obligation to the City.

Section 2. Overland Park Municipal Code Section 3.40.020 is hereby amended to read as follows:

3.40.020 Definitions.

As used in this chapter:

- A. "Claim" means a claim, action, suit, proceeding, or threat thereof, including those that are civil, criminal, administrative, or investigative.
- B. "Employee" shall have the same meaning as defined in K.S.A. 75-6103, and amendments thereto.

C. "Expense" includes legal counsel fees, and other disbursements made or to be made in assisting in the defense of the City or employees, or for other legal services.

Section 3. Overland Park Municipal Code Section 3.40.070 is hereby amended to read as follows:

3.40.070 Claims Subject to Kansas Tort Claims Act.

The provisions of the Kansas Tort Claims Act, and amendments thereto, shall govern claims against officers and employees of the City.

Section 4. Existing Overland Park Municipal Code Sections 3.32.010, 3.32.020, 3.40.010, 3.40.020, 3.40.030, 3.40.040, 3.40.050, 3.40.060, and 3.40.070 are hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after its publication in an official City newspaper.

PASSED by the City Council this 7th day of December, 2020.

APPROVED by the Mayor this 7th day of December, 2020.

CITY OF OVERLAND PARK, KANSAS

(s) Carl Gerlach

Carl Gerlach
Mayor

(SEAL)

ATTEST:

(s) Elizabeth Kelley

Elizabeth Kelley
City Clerk

APPROVED AS TO FORM:

(s) Elizabeth Kelley

Michael Koss
Deputy City Attorney