

(Summary Published in The Morning Sun on February 15<sup>th</sup>, 2013)

**ORDINANCE NO. G-1176**

AN ORDINANCE amending Sections 2-72, 2-94 (c), 2-191 (c), 18-354 (a), 18-534 (1), 18-535, 18-536, 18-538 and 22-35 (c) and (d) and 74-10 (b) of the Pittsburg City Code in order to change the references therein from the Director of Finance and Administration to the Director of Finance.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS:

Section 1. Section 2-72 of the Pittsburg City Code is amended to read as follows:

**Sec. 2-72. - Residency requirements.**

- (a) The City Manager shall be required to reside within the City limits.
- (b) The following department heads of the City set forth below shall be required to reside within an area of the county, bounded by an eight-linear-mile radius from the intersection of Fourth Street and Broadway Street in the City; provided, however, that if such radius line intersects the boundaries of an incorporated City, then the following department heads may reside in such incorporated City.

- (1) Director of Public Works;
- (2) Director of Parks and Recreation;
- (3) Director of Finance;
- (4) Director of Human Resources;
- (5) Chief of Police; and
- (6) Fire Chief.

Section 2. Section 2-94 (c) of the Pittsburg City Code is amended to read as follows:

**Sec. 2-94. - Duties and responsibilities.**

- (c) Countersigning checks. The City Manager shall countersign all checks issued by the Director of Finance.

Section 3. Section 2-191 (c) of the Pittsburgh City Code is amended to read as follows:

**Sec. 2-191. - Municipal equipment reserve fund.**

- (c) Plan of operation.
- (1) The Director of Finance shall prepare a plan of operation for the implementation of this Section and for the achievement of the policy objectives of the Governing Body.
- (2) The Director of Finance shall annually submit, at the same time the proposed budget is submitted, a proposed equipment acquisition program for each of the following three years. The proposed budget shall include an amount sufficient to finance proposed equipment acquisitions for the following year, plus an amount to be reserved as set forth in the annually revised and extended equipment acquisition program.

Section 4. Section 18-354 (a) of the Pittsburgh City Code is amended to read as follows:

**Sec. 18-354. - Appeals.**

- (a) *Right of appeal.* Any decision of the Building Official in the enforcement of this article may be appealed to the board by any person aggrieved or firm or corporation or organization affected by any decision of the Building Official. Such appeal shall be made within 30 days from the date of the decision or other ruling of the Building Official, by filing with the Building Official a written notice of appeal specifying the grounds therefor. Before the board is called, the appellant shall submit a fee established by the Governing Body to the City's Director of Finance. The Building Official shall forthwith transmit to the board all papers constituting the record upon which the action appealed from is taken.

Section 5. Section 18-534 (1) of the Pittsburgh City Code is amended to read as follows:

**Sec. 18-534. - Procedures.**

- (1) When final settlement on a covered claim has been agreed to or arrived at between the named insured and the company and such final settlement exceeds 75 percent of the face value of the policies covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage

against the building or other insured structure, pursuant to the terms of the policies and endorsements thereto, shall have been paid, the insurance company shall execute a draft payable to the Director of Finance, in an amount equal to the sum of 15 percent of the covered claim payment, unless the Building Official of the City has issued a certificate to the insurance company that the insured has removed the damaged building or other structures, as well as associated debris, or repaired, rebuilt or otherwise made the premises safe and secure.

Section 6. Section 18-535 of the Pittsburg City Code is amended to read as follows:

**Sec. 18-535. - Insurance proceeds fund.**

The Director of Finance is hereby authorized and shall create a fund to be known as the insurance proceeds fund. All monies received by the Director of Finance as provided for by this article shall be placed in such fund and deposited in an interest bearing account.

Section 7. Section 18-536 of the Pittsburg City Code is amended to read as follows:

**Sec. 18-536. - Disposition of insurance proceeds.**

Upon receipt of such insurance proceeds:

- (1) The Director of Finance shall immediately notify the Building Official of such receipt and transmit all documentation received from the insurance company to the Building Official.
- (2) Within 20 days of the receipt of such monies, the Building Official shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750—12-1756.
- (3) Prior to the expiration of the 20 days established in subsection (2) of this Section, the Building Official shall notify the Director of Finance whether he intends to initiate proceedings under K.S.A. 12-1750—12-1756.
- (4) The Building Official is hereby designated as the person charged with the administration of K.S.A. 12-1750—12-1756.
- (5) If the Building Official has determined that proceedings under K.S.A. 12-1750—12-1756 shall be initiated, he shall do so immediately, but no later than 30 days after receipt of such monies by the Director of Finance.

(6) Upon notification to the Director of Finance by the Building Official that no proceedings shall be initiated under K.S.A. 12-1750—12-1756, the Director of Finance shall initiate the return of such monies plus accrued interest to the insured as identified in the communications from the insurance company. Such return shall be accomplished within 30 days of the receipt of such monies from the insurance company.

Section 8. Section 18-538 of the Pittsburg City Code is amended to read as follows:

**Sec. 18-538. - Reimbursement to the City for expenses.**

If the Building Official, with regard to a building or other structure damaged by fire, explosion or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the Director of Finance under the authority of Section 18-534(1), as amended, relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Building Official shall immediately effectuate the release of any lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the Director of Finance under Section 18-534(1), the Building Official shall establish a new lien as authorized by K.S.A. 12-1756 in an amount equal to such excess expenses incurred.

Section 9. Section 22-35 (c), (d) of the Pittsburg City Code is amended to read as follows:

**Sec. 22-35. - Endowment fund.**

(c) *Custodian.* The Director of Finance shall act as custodian of the fund and shall keep all records relating thereto, reporting to the Governing Body on an annual basis and at such other times as requested by either the Governing Body or the City Manager.

(d) *Investment of funds.* The Director of Finance shall be authorized to invest the monies of both divisions of The Endowment Fund of Mt. Olive Cemetery in the same manner that he is generally authorized to invest public monies; provided, however, that he shall not be authorized to expend the interest accruing from such investments without first receiving budget authority from the Governing Body and, thereafter, shall expend the cemetery division funds only for the caring of cemetery grounds, planting trees and shrubs, and beautifying and improving the cemetery and the mausoleum division fund only for the repair and maintenance of the mausoleum or for beautifying and improving the adjacent grounds.

Section 10: Section 74-10 (b) of the Pittsburg City Code is amended to read as follows:

**Sec. 74-10. - Neoclassic urns.**

(b) *Investment of funds.* The Director of Finance shall be authorized to invest the monies in the neoclassic urns fund in the same manner that he is generally authorized to invest public monies; provided, however, that he shall not be authorized to expend the interest accruing from such investments without first receiving budget authority from the Governing Body and, thereafter, shall expend the funds only for the purchase, care, and maintenance, including repair and replacement, of the urns.

Section 11: This ordinance shall take effect and be in force from and after its passage and publication in the official city paper.

PASSED AND APPROVED BY THE GOVERNING BODY OF PITTSBURG,

KANSAS, this 12<sup>th</sup> day of February, 2013.

  
John Ketterman, Mayor

ATTEST:

  
Tammy Nagel, City Clerk

(SEAL)

