

WESTWOOD HILLS, KANSAS

ORDINANCE NO. 138

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SPECIAL LIABILITY EXPENSE FUND, LEVYING TAXES THEREFORE AND PROVIDING FOR THE PAYMENT OF JUDGMENTS, CLAIMS, INSURANCE PREMIUMS AND ATTORNEY'S FEES THEREFROM

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

Section 1. Pursuant to the Kansas Tort Claims Act, there is hereby created and established a Special Liability Expense Fund for the City of Westwood Hills, Kansas.

Section 2. The purpose of such fund shall be generally those set forth in the Kansas Tort Claims act and shall include, but not be limited by the following itemizations:

- a. Payment of judgments or in settlement of claims in suits or proceedings brought against the City or its agents, servants, officers and employees for liability or otherwise.
- b. Payment of insurance premiums, including deductible portions upon such coverage, covering the City, its agents, servants, officers and employees for liability or otherwise.
- c. Payment of attorney's fees for the City Attorney or his assistants, special counsel or other attorneys, who shall render services, defense or otherwise, for and on behalf of the City, its agents, servants, officers and employees.
- d. Payment of participatory monies in any pooling arrangements with other governmental units, whether or not by interlocal cooperation agreement, which arrangement or agreement shall be for indemnification or judgment or claims payments, defense costs or other related costs, all as contemplated under the Kansas Tort Claims Act.
- e. Payment of risk management, insurance consultant services or other direct or indirect costs connected therewith or in conjunction with a self-insurance program.

It is intended by the breadth of the above purpose clause, to exempt, wheresoever possible, any and all municipal officers, agents, servants and employees from personal expense of any kind whatsoever, in connection with municipal employment or activity, excepting only his or her malicious or fraudulent acts

or non-cooperation in defense, all as set forth in the Kansas Tort Claims Act, to the end that all who serve the City may do so, confident that they need not contemplate personal liability damage payments or expenses for such voluntary service.

Section 3. The Special Liability Expense Fund established pursuant to the provisions hereof shall not be subject to the provisions of K.S.A. 79-2925 to K.S.A. 79-2937, inclusive, and any acts amendatory thereof or supplemental thereto, except that in making the budget for the City, the amounts credited to and the amount on hand in such special fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents of the City.

Section 4. The Governing Body may levy an annual tax upon all taxable tangible property within the City in an amount determined by the Governing Body to be necessary for the maintenance of the Special Liability Expense Fund and for the purpose of paying a portion of the principal and interest on bonds issued by the City under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects, upon property located within Johnson County or Unified School District No. 512.

Section 5. The tax levy made pursuant to Section 4. hereof shall be exempt from the limitations imposed under the provisions of K.S.A. 79-5001 to K.S.A. 79-5016, inclusive, and amendments thereto, and shall not be subject to or limited by any other tax levy limitation prescribed by law.

Section 6. The Governing Body is authorized and empowered to invest any monies in the Special Liability Expense Fund not immediately required for the payment of claims in accord with applicable Kansas Statutes relating to the investments of City Idle Funds.

Section 7. This Ordinance shall take effect upon its passage and publication once in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
Al W. Tikwart, Jr., Mayor

Attest:

Gayle Nicolay  
Gayle Nicolay, City Clerk

First published in the Johnson County Sun, Friday, July 25, 1986.  
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c. Payment of attorney's fees for the City Attorney or his assistants, special counsel or other attorneys, who shall render services, defense or otherwise, for and on behalf of the City, its agents, servants, officers and employees.  
d. Payment of participatory monies in any pooling arrangements with other governmental units, whether or not by interlocal cooperation agreement, which arrangement or agreement shall be for indemnification or judgment or claims payments, defense costs or other related costs, all as contemplated under the Kansas Tort Claims Act.  
e. Payment of risk management, insurance consultant services or other direct or indirect costs connected therewith or in conjunction with a self-insurance program.  
It is intended by the breadth of the above purpose clause, to exempt, wheresoever possible, any and all municipal officers, agents, servants and employees from personal expense of any kind whatsoever, in connection with municipal employment or activity, excepting only his or her malicious or fraudulent acts or non-cooperation in defenses all as set forth in the Kansas Tort Claims Act, to the end that all who serve the City may do so, confident that the need not contemplate personal liability damage payments or expenses for such voluntary service.  
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Section 6. The Governing Body is authorized and empowered to invest any monies in the Special Liability Expense Fund not immediately required for the payment of claims in accord with applicable Kansas Statutes relating to the investments of City Idle Funds.  
Section 7. This Ordinance shall take effect upon its passage and publication once in. Passed by the Governing Body and approved by the Mayor this 8th day of July, 1986.  
Attest:  
Al W. Tikwart, Jr., Mayor  
Gayle Nicolay, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ----- One ----- consecutive ----- day ----- (weeks, days) the first publication thereof being made as aforesaid on the 25th day of, July 1986, with subsequent publications being made on the following dates:

-----, 19-----, 19-----  
-----, 19-----, 19-----

Deanna Martasin

Subscribe and sworn to before me this 25th day of July 1986

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My App. Expires Jan. 25, 1988

My Commission expires: 24.00  
Printer's Fee \$ -----  
Additional copies \$ -----

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Al W. Tikwart, Jr., Mayor

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Gayle Nicolay, City Clerk