



**INTRACITY COMMUNICATION  
OFFICE OF THE CITY COUNCIL**

7/8/2010

**TO: GOVERNING BODY**

**RE: July 12, 2010, Council Meeting – Old Business – Notice of intention to move to rescind motion for passage of Ordinance No. TC-1260,QQQ passed on June 21, 2010.**

At the request of the City Attorney, I hereby give notice that at the regular Council meeting to be held on Monday, July 12, 2010, at 7:30 p.m., I intend to move to rescind the motion for passage of Ordinance No. TC-1260,QQQ that was made and passed on June 21, 2010. The purpose of the rescission is that, in addition to the changes shown in overstrike and double underline in the version of Ordinance No. TC-1260,QQQ that was included in the agenda packet of June 21, 2010, Council Meeting, the following change to the ordinance be made before I move for re-passage of it:

1. Change to add Section 12.04.126.5.

Please see the memo to the Governing Body from the City Attorney for more detail.

David Janson  
Council President

**CITY OF OVERLAND PARK**

**INTRACITY COMMUNICATION**

**LAW DEPARTMENT**

July 2, 2010

TO: GOVERNING BODY

RE: July 12, 2010, Council Agenda – Old Business – Proposed Rescission of motion for passage of Ordinance No. TC-1260,QQQ passed on June 21, 2010

On June 21, 2010, the Council passed Ordinance No. TC-1260,QQQ which makes various changes to the Overland Park Traffic Code. I directed that it not be published because subsequent to June 21 we discovered an error in the ordinance. As you know, ordinances do not take effect until they have been published. Thus, Ordinance No. TC-1260,QQQ has not yet taken effect. I have asked Council President Janson to move on July 12, 2010, to rescind the motion passing the ordinance, and, if the motion to rescind passes, to then move for passage of Ordinance No. TC-1260,QQQ again in the form of the draft dated June 30, 2010, which incorporates the needed changes.

Section 3 of the version of the ordinance you approved on June 21 showed the addition of new Municipal Code Section 12.04.127 Texting While Driving. This section currently exists in the Traffic Code as Effect of Regulations. The draft of the proposed ordinance will show that Section 12.04.126.5 will be the new section number for Texting While Driving.

The draft of Ordinance No. TC-1260,QQQ dated June 30, 2010, included in your agenda packets shows in overstrike and double underline only the proposed change. The basic ordinance is the one you approved on June 21, 2010.

John J. Knoll  
Senior Assistant City Attorney

JJK/shw