

(Published in the *Cowley CourierTraveler* on April ____, 2025 and on April ____, 2025).

CHARTER ORDINANCE NO. ____

A CHARTER ORDINANCE OF THE CITY OF ARKANSAS CITY, KANSAS, ~~REPEALING CHARTER ORDINANCE 8 AND 8A, AND~~ EXEMPTING SUCH CITY FROM THE PROVISIONS OF K.S.A. 12-1220 RELATING TO LIBRARIES, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO, REPEALING CHARTER ORDINANCE 19; AMENDING THE CITY OF ARKANSAS CITY MUNICIPAL CODE TO SO REFLECT.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act") provides that cities may exercise certain home rule powers, including adopting charter ordinances which exempt such cities from enactments of the Kansas Legislature; and

WHEREAS, the City of Arkansas City, Kansas (the "City") is a city, as defined in the Act, duly created and organized under the laws of the State of Kansas (the "State"); and

WHEREAS, K.S.A. 12-1220 is a part of an enactment of the Kansas Legislature (K.S.A. 12-1218, *et seq.*) relating to libraries, which enactment is applicable to the City but is not uniformly applicable to all cities within the State; and

WHEREAS, **On August 5, 2008** the governing body of the City ~~desires passed~~, by Charter Ordinance No. 19, to exempt the City from the provisions of K.S.A. 12-1220, and to provide substitute and additional provisions therefor in order to provide a mill levy limitation to operate the City library; and

WHEREAS, the governing body desires to amend verbiage in Section 1, to further exempt the city from the provisions of K.S.A. 12-1220, to replace the designation of the library board with the Arkansas City Governing Body in terms of being authorized to determine the annual tax levy.

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

Section 1. Exemption-K.S.A. 12-1220. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1220 and does hereby provide the following substitute and additional provisions in place thereof (modifications to the statutory language in italics):

The governing body of any municipality may by resolution, and shall, upon presentation of a petition signed by ten percent (10%) of the qualified electors of such municipality determined upon the basis of the total vote cast for the secretary of state at the last preceding general election, cause to be submitted to the voters of such municipality at the first local or general election thereafter, or if the petition so requires, at a special election called for that purpose, the question of the establishment and maintenance of a library by such municipality. If a majority of the votes cast at such election on such proposition shall be in the affirmative, the governing body shall forthwith establish such library and is hereby authorized to and shall annually levy a tax for the maintenance and employee benefits of such library in such sum as the ~~library board~~ **Arkansas City Governing Body** shall determine within the limitations fixed by law, but in no event shall the amount of such levy exceed six mills, and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12- 1774, and amendments thereto, by cities located in the county.

Such tax shall be levied and collected in like manner as other taxes of the municipality and, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be kept in a separate fund to be known as the library fund of such municipality. If the territory of the municipality includes another municipality which is then maintaining a library, the proposition to establish a library by the larger municipality shall not be voted upon by the residents of the included municipality, nor shall a levy to establish or maintain such library be assessed against property therein, unless the library board and governing body of the included municipality shall give notice in writing that they desire to participate in the library to be established and to pay the tax for the establishment and maintenance thereof as other parts of the municipality establishing such library.

Section 2. Repeal. As the updates made ~~mandates contained~~ in Section 1 ~~alter the conflict with the mandates contained in Charter Ordinance 19 8 and 8A, and the statute modified by those Charter Ordinances has been repealed by the State of Kansas, those Charter Ordinances are, that Charter Ordinance is now~~ hereby repealed in full. ~~To the extent this Charter Ordinance conflicts with any prior legislation adopted by the City, including any conflicting provisions in Charter Ordinance No. 20 or 33, conflicting provisions are here by repealed. Otherwise, any provision not repealed herein or by any other charter ordinance is hereby ratified and confirmed.~~

Section 3. Non-severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, this entire Ordinance shall be invalid.

Section 4. Effective Date. This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk, demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose.

PASSED by the governing body of the City by not less than two-thirds of the members-elect of the governing body on **April 1, 2025** and signed by the Mayor.

Chad D. Beeson, Mayor

ATTEST:

Tiffany Parsons, City Clerk

DRAFTED AND APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Charter Ordinance was passed on April 1, 2025; that the record of the final vote on its passage is found in the official , in chronological order; and that it was published in the *Cowley CourierTraveler* on April ____, 2025 and on April ____, 2025.

DATED: _____, 2025.

Tiffany Parsons, City Clerk

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CERTIFICATE OF NO PROTEST

STATE OF KANSAS)
) ss:
COUNTY OF COWLEY)

The undersigned, Clerk of the City of Arkansas City, Kansas (the "City"), does hereby certify that the governing body of the City duly adopted Charter Ordinance No. _____ (the "Charter Ordinance"), on April 1, 2025, that the Charter Ordinance was duly published once a week for two consecutive weeks in the official City newspaper; that more than sixty (60) days has elapsed from the date of the last publication; and that there has been no sufficient written protest filed in my office against the Charter Ordinance, as provided in Article 12, Section 5, of the Kansas Constitution.

WITNESS my hand and official seal on _____, 2025.

(Seal)

Tiffany Parsons, City Clerk