

CHARTER ORDINANCE NO. 36

A CHARTER ORDINANCE EXEMPTING THE CITY OF ARKANSAS CITY, KANSAS FROM PROVISIONS OF K.S.A. 14-1502 AS IT RELATES TO THE RESIDENCY REQUIREMENT FOR APPOINTED OFFICERS.

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 that exempt cities from enactments of the Kansas Legislature; and

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

WHEREAS, K.S.A. 14-1502, is part of an enactment of the Kansas Legislature relating to residency requirements for appointed officers, the enactment of which is applicable to the City of Arkansas City, Kansas, but is not uniformly applicable to all cities within the State; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, desires, by charter ordinance, to exempt appointed officers from the residency requirements.

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

SECTION ONE. The City of Arkansas City, Kansas, A City of the Second Class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-1502 as it relates to the requirement that appointed officers shall be a bona fide resident of the city or of the territory within a two (2) miles radius of such city prior to his or her appointment.

SECTION TWO. The City may appoint nonresidents, including nonresidents of this state, as city clerk, city attorney, city treasurer, municipal judge, police chief, fire chief, law enforcement officers, any other officer deemed necessary, including the appointment of nonresidents who also serve as city attorney, municipal judge or law enforcement officers of another municipality or public agency.

SECTION THREE. 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 in 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. Once it becomes effective, a certified copy of this Charter Ordinance shall be sent to the Kansas Secretary of State.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, by not less than two-thirds of the members-elect of the Governing Body on this _____ day of _____, 2022, and signed by the Mayor.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Charter Ordinance was passed on _____; that the record of the final vote of passage is found in the official Minutes of that meeting; and that it was published in the **Cowley CourierTraveler** on _____ and on _____.

DATED: _____.

Lesley Shook, City Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]