

(Published in *The Ark Valley News* on August 24, 2023 and August 31, 2023)

CHARTER ORDINANCE NO. _____

A CHARTER ORDINANCE EXEMPTING THE CITY OF BEL AIRE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1651, PROVIDING SUBSTITUTE PROVISIONS REGARDING THE DESIGNATION OF THE OFFICIAL CITY NEWSPAPER, AND AMENDING AND RESTATING SECTION 2.4.1., CHAPTER 2, ARTICLE 4 OF THE CODE OF THE CITY OF BEL AIRE, KANSAS.

WHEREAS, the City of Bel Aire, Kansas (the “City”) is a city of the second class duly organized and existing under the laws of the State of Kansas; and

WHEREAS, pursuant to Article 12, Section 5, of the Constitution of the State of Kansas, cities are empowered to determine their local affairs and government except for legislative enactments applicable uniformly to all cities; and

WHEREAS, K.S.A. 12-1651 applies to the City, and its provisions are not uniformly applicable to all cities in that K.S.A. 12-1651 applies only to cities of the second and third class; and

WHEREAS, the Governing Body of the City hereby determines that it is in the best interest of the City to exempt the City from K.S.A. 12-1651 and to provide substitute provisions for such statute; and

WHEREAS, the City finds it necessary and advisable to amend and restate Section 2.4.1. of Chapter 2, Article 4 of the Code of the City of Bel Aire, Kansas (the “City”) relating to the designation of the official city newspaper.

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

Section 1. Inapplicability. The City, by virtue of the powers vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and hereby make inapplicable to it the provisions of K.S.A. 12-1651. Such referenced provision is applicable to the City but is part of enactments not uniformly applicable to all cities and the City finds and determines it necessary and advisable to provide substitute provisions as set forth herein.

Section 2. Substitute Provisions. By virtue of the powers vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, the City hereby enacts the following substitute and additional provisions of K.S.A. 12-1651 by amending and restating Section 2.4.1., Chapter 2, Article 4 of the Code. Section 1-218, Chapter I, Article 2 of the Code is amended and restated to read as follows:

2.4.1. Official Newspaper or Website.

The Governing Body of the City shall designate by resolution from time to time an official city newspaper that meets one of the qualifications set forth below. Once designated the publication method shall be the official city newspaper until such time as the governing body designates a different official city newspaper by resolution.

- (a) The newspaper selected as the official city newspaper may be a printed newspaper which has the following qualifications: (i) It must be published at least weekly 50 times each year and have been so published for at least one year prior to the publication of any official city publication; (ii) It must be entered at the post office of publication as second-class mail matter; (iii) More than 50% of the circulation must be sold to the subscribers either on a daily, weekly, monthly or yearly basis; and (iv) It shall have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication; or
- (b) In the alternative, the official city newspaper may be a designated website which has the following qualifications: (i) It must be a public facing website available to website users at all times, except during website maintenance as reasonably determined necessary by the City Administrator; (ii) The website must be easily accessible from the City's website home page (<https://www.BelAireks.gov>); (iii) It must be available to website users free of charge; and (iv) All current notices and unrepealed ordinances uploaded to the website for publication shall be uploaded in their entirety during any period they are in effect.

Section 3. Publication. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

Section 4. Effective Date. This is a Charter Ordinance and shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed and a referendum held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case this Ordinance shall become effective if approved by the majority of the electors voting thereon.

[Remainder of Page Intentionally Left Blank]

PASSED, APPROVED AND ADOPTED by two-thirds majority of the Governing Body of the City of Bel Aire, Kansas and approved by the Mayor this 15th day of August, 2023.

CITY OF BEL AIRE, KANSAS

[seal]

By _____
Jim Benage, Mayor

ATTEST:

By _____
Melissa Krehbiel, City Clerk

Passed: 08/15/2023
Published: 08/24/2023
08/31/2023
Effective: 10/31/2023

EXCERPT OF MINUTES

The Governing Body of the City met at City Hall at the usual place in the City on August 15, 2023 at 7:00 p.m., with Mayor Jim Benage presiding, and the following members of the Governing Body present:

and the following members absent:

Thereupon, and among other business, there was presented to the Governing Body, a Charter Ordinance entitled:

A CHARTER ORDINANCE EXEMPTING THE CITY OF BEL AIRE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1651, PROVIDING SUBSTITUTE PROVISIONS REGARDING THE DESIGNATION OF THE OFFICIAL CITY NEWSPAPER, AND AMENDING AND RESTATING SECTION 2.4.1., CHAPTER 2, ARTICLE 4 OF THE CODE OF THE CITY OF BEL AIRE, KANSAS.

Thereupon, the Charter Ordinance was considered and discussed; and on motion of _____, seconded by _____, the Charter Ordinance was adopted by a two-thirds majority vote of all members elect of the Governing Body.

Thereupon, the Charter Ordinance having been adopted by a two-thirds majority vote of the members of Governing Body, it was given No. _____ and directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to cause the publication of the Ordinance twice as set forth therein and required by law.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the August 15, 2023 meeting of the Governing Body of the City of Bel Aire, Kansas.

[seal]

Melissa Krehbiel, City Clerk