



DATE: Tuesday, October 1, 2024
TO: Mayor and City Council
FROM: City Attorney
SUBJECT: Resolution Designating City Website as Official City Newspaper

Background: The Bel Aire City Council wishes to exempt itself from the requirement to publish certain legal notices in a general circulation newspaper, a requirement created in K.S.A 12-1651. The City may do so, as this statute is not uniformly applicable to all Kansas cities; it expressly applies only to second and third class cities. Attorney General Opinion 2023-5 determined that once a City takes this action to exempt certain publication obligations, that it can designate its own website as the means to communicate the applicable public notices. However, this exemption will not affect public notices that apply in those areas the legislature felt statewide uniformity was important. Therefore, publication in a traditional, physical newspaper of general circulation in the City will still be the rule for land acquisition, public improvement, City treasurer's report, eminent domain, imposition of taxes, and City budget hearings.

The Kansas Constitution Article 12, Section 5 sets out the method to accomplish this exemption by charter ordinance, which requires adherence to additional procedural safeguards intended to empower citizen input should there be such interest. That citizen interest on this issue has already been demonstrated. The earlier attempt to pass a charter ordinance with the same effect was met with a successful petition that would have forced an immediate, special election. The City Council chose not to incur the costs of that special election, and allowed the proposed charter ordinance to expire.

The City Council put the same issue before Bel Aire citizens at no additional cost to the City, as the election was timed to coincide with the state-wide primary election on 08/06/24. By making the charter ordinance expressly contingent on a public referendum, the City Council honored the public interest that was previously expressed. Charter Ordinance No. 25 passed with 443 Yes votes and 413 No votes.

Discussion: The resolution now recommended to City Council would designate the City's website as the official city newspaper. It also requires that the City website be made available to all citizens, that items be archived online for a period of not less than five years, that information be provided in a searchable format, and a process for the City website if disabled. If federal, state, or local laws require legal notice to be published on its official website and in a newspaper, the City is required to comply with those specific publication requirements. For these purposes, unless otherwise revised by subsequent resolution of the City Council, the *Ark Valley News* shall be the City's official newspaper. If at any time, the *Ark Valley News* is unable to provide the needed services associated with serving as the City's official newspaper, the *Wichita Eagle* shall serve as the City's official newspaper.

Financial Considerations: The estimated cost savings, were self-publication on the City's website put into use, would be approximately \$4,500.00 per year.

Legal Considerations: The City Attorney has drafted and approved the proposed resolution. It requires a majority vote for approval.

Recommendation/Actions: It is recommended that City Council pass the proposed resolution.

Attachments: Proposed resolution