
AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Beth Sanford, Finance Director
DATE: April 1, 2022
SUBJECT: Charter Ordinance. No. 1-2022 - A Charter Ordinance exempting the city of Lansing, Kansas, from the provisions of K.S.A. 14-570 and K.S.A. 14-571 and providing substitute and additional provisions on the same subject relating to public improvements and the issuance of bonds for the purpose of paying for the improvements.

Bond Counsel, Gilmore & Bell, has prepared Charter Ordinance 1-2022, exempting the city from the provisions of K.S.A. 14-570 and K.S.A. 14-571.

This charters KSA 14-570 *et seq.* to remove the public vote requirement under state law and would allow the city to approve a multi-year capital plan and the issuance of bonds therefore by adopting a resolution.

This charter ordinance shall be published once a week for two consecutive weeks and shall take effect sixty days after final publication unless a sufficient petition is filed in the office of the City Clerk.

The charter ordinance requires two-thirds affirmative votes of the governing body. The Mayor is considered a member of the governing body.

Action: Staff recommends a motion to adopt Charter Ordinance No. 1-2022.

AGENDA ITEM

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF LANSING, KANSAS
HELD ON APRIL 7, 2022**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Absent: _____

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

There was presented a Charter Ordinance entitled:

**A CHARTER ORDINANCE EXEMPTING THE CITY OF LANSING, KANSAS,
FROM THE PROVISIONS OF K.S.A. 14-570 AND K.S.A. 14-571 AND
PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME
SUBJECT RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF
BONDS FOR THE PURPOSE OF PAYING FOR THE IMPROVEMENTS.**

Councilmember _____ moved that said Charter Ordinance be passed. The motion was seconded by Councilmember _____. Said Charter Ordinance was duly read and considered, and upon being put, the motion for the passage of said Charter Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Charter Ordinance having passed with more than a 2/3 vote of the governing body, the Mayor declared said Charter Ordinance duly passed and the Charter Ordinance was numbered Charter Ordinance No. 1-2022 and was signed by the Mayor and attested by the City Clerk and was directed to be published once a week for two consecutive weeks in the official newspaper of the City.

* * * * *

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Lansing, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Tish Sims, City Clerk

(Published in *The Leavenworth Times* on April __, 2022 and April __, 2022)

CHARTER ORDINANCE NO. 1-2022

A CHARTER ORDINANCE EXEMPTING THE CITY OF LANSING, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-570 AND K.S.A. 14-571 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR THE IMPROVEMENTS.

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 passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

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

WHEREAS, K.S.A. 14-570 and K.S.A. 14-571 are part of an enactment of the Kansas Legislature (K.S.A. 14-570 *et seq.*) relating to public improvements and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City (the “Governing Body”) desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 14-570 and K.S.A. 14-571, and to provide substitute and additional provisions therefor.

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

SECTION 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-570 and K.S.A. 14-571 and shall be governed by the following substitute and additional provisions contained herein.

SECTION 2. Master Plan for Public Improvements. Whenever the City Administrator or his/her designee has filed with the Governing Body a master capital improvements plan (the “Plan”) for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness previously created for public improvements, and which Plan may require a number of years to execute, and such Plan is approved by the Governing Body, the City is hereby authorized to issue its general obligation bonds (the “Bonds”) in an amount sufficient to carry out such Plan and associated costs.

SECTION 3. Procedure for Issuance of Bonds. Before any Bonds are authorized or issued pursuant to this Charter Ordinance, the City will adopt a resolution specifying the amount of such Bonds and the purpose of the issuance thereof.

SECTION 4. 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, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter

Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 5. 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 purpose.

PASSED with at least a two-thirds (2/3) vote of the entire Governing Body of the City of Lansing, Kansas, on April 7, 2022, and **APPROVED AND SIGNED** by the Mayor.

Anthony R. McNeill, Mayor

(SEAL)

ATTEST:

Tish Sims, City Clerk

CERTIFICATE OF NO PROTEST

STATE OF KANSAS)
) ss:
COUNTY OF LEAVENWORTH)

The undersigned, Clerk of the City of Lansing, Kansas (the “City”), does hereby certify that the governing body of the City duly passed Charter Ordinance No. __ on April 7, 2022, that said Charter Ordinance was published once a week for two consecutive weeks (April __, 2022 and April __, 2022) in ***The Leavenworth Times***, the official City newspaper; that more than sixty (60) days have elapsed from the date of the last said publication; and that there has been no sufficient written protest filed in my office against said Charter Ordinance, as provided in Article 12, Section 5 of the Kansas Constitution.

WITNESS my hand and official seal on _____, 2022.

(Seal)

Tish Sims, City Clerk