

City of Sedgwick
City Council Meeting
August 20, 2025

TO: Mayor and City Council

SUBJECT: Charter Ordinance No. 33 - Designation of Official Newspaper

INITIATED BY: Administration

AGENDA: Workshop

Background: Under Kansas Law, cities are required to designate an official city newspaper for the publication of legal notices, ordinances, and other official city documents. This requirement is primarily established in K.S.A. 12-1651, which states that a city must designate a newspaper of general circulation within the city that meets specific qualifications.

Kansas is a “home rule” state, and cities of the first, second, and third class may exempt themselves from the requirements of certain state statutes by adopting a Charter Ordinance, pursuant to Article 12, Section 5 of the Kansas Constitution. During adoption of the charter ordinance, cities may adopt substitute provisions such as designating the city website as the official newspaper.

Given the increasing reliance on digital platforms for communications, cities in Kansas have enacted the option of chartering out of the statutory requirement for a designated newspaper and instead designating their official city website as the location for publication of ordinances and other legal notices. Even if enacted, there are still requirements of publishing certain documents in the newspaper such as the budget documents. This would merely reduce the cost of publication for all other municipal documents published.

Analysis: In July 2023, Attorney General Kobach published the AG opinion on municipalities of a second and third class having the authority to charter out of the requirements of K.S.A. 12-1651 in which it is stated that they can exempt themselves from said requirements and that “nothing in state law prohibits a city from publishing official city business on its own website. However, we would note that publication by website would not be sufficient where some other form of publication is specifically mandated” i.e. budget documents.

The city’s website currently has a document library that houses ordinances and resolutions that can be viewed at anytime by the public. Once council adopts an ordinance or resolution, it would be published into this document library as well as the news & announcements section of the website which is on the city’s landing page to notify citizens of what is going on in the community. Online publication provides 24/7 public access.

In a document published by the Kansas Secretary of State listing City Charter Ordinances for all municipalities in the state, it was found that as of June 30, 2025 the following cities have similar charter ordinances in place: Abilene, Basehor, Belle Plaine, Bel Aire, Caldwell, Concordia, Gas, Goessel, Hays, Haysville, Highlands, Johnson City, Lake Quivira, Leawood, Lenexa, Leon, Lindsborg, Mission, Moran, Overland Park, Pratt, Quinter, St. Mary’s, Salina, Shawnee, South Hutchinson, Udall, Wichita, and Yates Center. It is important to note the wide population ranges of municipalities adopting such ordinances as

you have Gas, Kansas with a populus of 475 people and the City of Wichita 400,991 conducting business in the same manner.

K.S.A. 12-1651 states that “(a) The governing body of each city of the second and third class shall designate by resolution a newspaper to be the official city newspaper. Once designated the newspaper shall be the official city newspaper until such time as the governing body designates a different newspaper.

(b) The newspaper selected for the official publications of cities of the second and third class shall be one which has the following qualifications:

(1) 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.

(2) It must be entered at the post office of publication as second-class mail matter.

(3) More than 50% of the circulation must be sold to the subscribers either on a daily, weekly, monthly, or yearly basis.

(4) 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.

In the 2023 AG opinion, it states that K.S.A. 12-1651 is not a uniformly applicable statue, thus cities of the second and third class have the authority under home rule to pass a charter ordinance exempting themselves from the provisions of K.S.A. 12-1651 provided the governing body properly enacts a charter ordinance doing so.

Financial: From 2018 – 2025 the city has spent approximately \$10,187 in publishing fees. These fees fluctuate based on the length of the legal notice and the requirements of publishing. If an ordinance or resolution summary may be legally published, the fee to publish is lessor than if we are required to publish the entirety of the ordinance or resolution. As we continue to grow and adopt ordinances and resolutions our frequency of publications changes, which can result in an increase or decrease in the annual amount spent.

Comparatively from the second quarter 2024 (\$290.40) to the second quarter 2025 (\$800.80) we have seen a 175% increase in the amount spent on publications due merely to the increase in number of documents that have been adopted. This increase trend was similarly found from 2023 – 2024 as we saw an increase of 73%.

The City currently pays \$8,272 for a professional website that would host these publications as part of the annual fee with no additional cost. We would still incur minor fee amounts to publish required items in the newspaper, but the overall annual cost incurred would be less.

Recommendation: It is recommended that the City Council adopt Charter Ordinance No. 33 as presented.

Attachment: Charter Ordinance No. 33 draft.

CHARTER ORDINANCE NO. 33

A CHARTER ORDINANCE EXEMPTING THE CITY OF SEDGWICK, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1651, PROVIDING SUBSTITUTE PROVISIONS REGARDING THE DESIGNATION OF THE OFFICIAL CITY NEWSPAPER, AND CREATING CHAPTER 1, ARTICLE I, SECTION 1-119 OF THE CODE OF THE CITY OF SEDGWICK, KANSAS.

WHEREAS, the City of Sedgwick Kansas (the "City"), is a city of the third 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 create Chapter 1, Article I, Section 1-119 of the Code of the City of Sedgwick 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 SEDGWICK, 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 creating Chapter 1, Article I, Section 119 of the Code. Chapter 1, Article I, Section 119 of the Code is created to read as follows:

1-119 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.cityofsedgwick.org>); (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 in its entirety once a week for (2) consecutive weeks in the official City Newspaper.

Section 4. Effective Date. This Charter Ordinance shall take effect 60 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the Charter Ordinance as provided in Article 12, Section 5, subsection (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting thereon.

ADOPTED by the Governing body of the City of Sedgwick, Kansas, not less than two-thirds of the voting members elect voting in favor thereof on this 20th day of August, 2025.

Bryan Chapman, Mayor

ATTEST:

Sheila Agee, City Clerk