

CHARTER ORDINANCE NO. 33

A CHARTER ORDINANCE OF THE CITY OF ARKANSAS CITY, KANSAS, AMENDING PROVISIONS OF CHARTER ORDINANCE NO. 20, EXEMPTING SUCH CITY FROM THE PROVISIONS OF K.S.A. 12-1222 RELATING TO LIBRARIES, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO.

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 which exempt such cities from enactments of the Kansas Legislature; and

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

WHEREAS, K.S.A. 12-1222 is part of an enactment of the Kansas Legislature (K.S.A. 12-1218, *et seq.*) relating to libraries, which enactment is applicable to the City but is not uniformly applicable to all cities within the State; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1222, and to provide substitute and additional provisions therefore in order to operate the City library.

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

Section 1. Exemption-K.S.A. 12-1222. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1222, and does hereby provide the following substitute and additional provisions in place thereof and create Part II, Chapter 2, Article III, Division 8 of the Arkansas City Municipal Code to read as follows (additions to Charter Ordinance No. 20 in italics; deletions to the charter ordinance struck through):

- A. Upon the establishment of a library under this act the official head of a municipality shall appoint, with the approval of the governing body, a library board for such library. In the case of a city library ~~seven~~ *six* (6) members shall be appointed, ~~one for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment.~~ In addition to these appointed members of the board, one ~~Commissioner~~ *member* of the ~~Board of the Commissioners-governing body,~~ upon ~~appointment by the official head of the municipality and approval by the governing body,~~ shall be ex officio a member of the library board with the same *voting* powers as appointed

members, but no person holding any office in the municipality, other than a commissioner, shall be appointed a member while holding such office.

- B. Upon the expiration of the terms of members first appointed, succeeding members shall be appointed in like manner for terms of ~~four~~-*three* (3) years. Members of library boards holding office at the effective date of this act shall continue to hold their offices until ~~April 30~~-*January 31* following the expiration of the terms for which appointed, and on or before ~~May 1~~-*February 1* following the first expiration of a term a sufficient number shall be appointed by the official head of the municipality, with the approval of the governing body, for terms of ~~four~~-*three* (3) years to constitute a library board of the number of members prescribed by this act.
- C. All members appointed to a library board shall be residents of the municipality. ~~Vacancies occasioned by removal from the municipality, resignation or otherwise, shall be filled by appointment for the unexpired term. The first vacancy to occur subsequent to the date this charter ordinance takes legal effect shall not be filled, so that the citizen members of the library board may be reduced from seven (7) to six (6). Terms may be adjusted administratively to ensure that no more than two terms expire in a given calendar year. No person who has been appointed for two~~ *three* (3) consecutive ~~four~~-*three*-year (3) terms to a library board shall be eligible for further appointment to such board until one year after the expiration of the ~~second~~-*third* term. Appointments made prior to the effective date of this act shall not be counted in determining eligibility for appointment hereunder. ~~Members of library boards shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.~~

Section 2. *Repeal.* To the extent this Charter Ordinance conflicts with any prior legislation adopted by the City, including any provision contained in Charter Ordinance No. 20, conflicting provisions of any and all prior legislation are hereby repealed. Otherwise, any provision not repealed herein or by any other charter ordinance is hereby ratified and confirmed.

Section 3. *Non-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, this entire Ordinance shall be invalid.

Section 4. *Future Revision.* Any future revision to Arkansas City Municipal Code Part II, Chapter 2, Article III, Division 8 may be made by regular ordinance.

Section 5. *Publication and 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 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 this Charter Ordinance 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, with not less than two-thirds of the members-elect of the Governing Body voting in favor thereof, this 15th day of May 2018, and signed by the Mayor.

Dan Jurkovich, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Tamara L. Niles, City Attorney