

CHARTER ORDINANCE NO. 34

A CHARTER ORDINANCE OF THE CITY OF ARKANSAS CITY, KANSAS, AMENDING PROVISIONS OF CHARTER ORDINANCES 7, 12, 15, 21, AND 24 REGARDING THE CITY-OWNED MEDICAL CENTER, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO, AND MODIFYING MUNICIPAL CODE TO SO REFLECT.

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. 14-644 is a part of an enactment of the Kansas Legislature relating to Medical Centers, 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 previously adopted Charter Ordinances 7, 12, 15, 21 and 24 modifying the application of K.S.A. 14-644 and creating Municipal Code governing the Medical Center; and

WHEREAS, the Governing Body of the City desires, by charter ordinance, to provide substitute and additional provisions to Municipal Code regarding the Medical Center.

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

Section 1. Exemption-K.S.A. § 14-644. The City, by the power vested in it by the Act, has previously elected to exempt itself from and make inapplicable to it the provisions of K.S.A. § 14-644, and provided substitute and additional provisions in place thereof. The City desires to provide additional substitute and additional provisions, by modifying Municipal Code created by previous Charter Ordinance.

Section 2. The Governing Body of the City of Arkansas City hereby modifies Municipal Code Section 2-221, to read as follows:

Sec. 2-221. - Board of trustees; organization; powers.

(a) *Membership.* The board of city commissioners shall appoint five trustees who shall constitute a board of trustees for the medical center.

(b) *Term.* Said trustees shall hold their offices until April 1 of the year their appointment is scheduled to expire or until their successors are appointed and qualified.

(1) Any trustee who has served a full term of appointment of four years and who indicates a willingness to serve an additional appointment of four years may be reappointed, unless:

a. The mayor provides written notice to the chairperson of the board of trustees of the medical center and to the board of city commissioners at least 30 calendar days prior to the date the appointment is scheduled to expire, his intention to not so reappoint; or

b. The trustee has failed to comply with requirements of the bylaws of the board of trustees during his term of appointment.

(2) Except for ex officio members of the board, no person who has been appointed for two consecutive four-year terms to the board of trustees of the medical center shall be eligible for further appointment until two years after the expiration of the second term.

(3) Trustees shall receive no compensation for their services but shall be allowed their actual and necessary expenses in attending meetings and carrying out their duties as members of the board of trustees.

(4) Despite any provision herein regarding the term and appointment of trustees, trustees serve at the pleasure of the governing body, and may be removed with or without cause upon a vote of at least four members of the governing body.

(c) Officers of board; meetings.

(1) Said trustees shall, at the next regular meeting of the board after their appointment, qualify by taking the oath of civil officers and meet and organize by the annual election of a chairperson, a secretary and a treasurer and such other officers as they may deem necessary. No bond shall be required of any officer except the treasurer, to be approved by the board of city commissioners and filed in the office of the city clerk.

(2) The board of trustees shall fix the date and place of its regular meetings which shall occur at least once each month. Special meetings may be called by the chairperson or upon written request of a majority of the members; a complete record of all proceedings whether regular or special shall be maintained. Written notice, stating the time and place of any special meeting and the purpose for which called, shall, unless waived, be given each member of the board at least two days in advance of such meeting, and no business other than that stated in the notice shall be transacted at such meeting.

(d) Trustees' powers. The medical center board of trustees shall:

(1) Make and adopt such bylaws, rules and regulations for their own guidance and for the government of the medical center as may be deemed expedient for the economical and proper conduct thereof not inconsistent with the laws of the state or the ordinances of this city; all physicians, nurses, attendants, patients and all persons approaching or coming within said medical center, and all furniture and other articles used or brought there, shall be subject to such rules and regulations;

(2) Unless otherwise established by applicable law, have exclusive control of the expenditure of all moneys collected to the credit of the medical center fund and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased, or set apart for that purpose; provided, that all money received for such medical center shall be deposited in the treasury of the board of trustees and paid out only by claims and warrants or warrant checks as provided by K.S.A. 10-801 et seq., and 12-105a and 12-105b, as amended and supplemented;

- (3) Have the power to appoint a suitable chief executive officer, fix his compensation, remove such appointee, and to approve or disapprove the actions of said appointee;
- (4) Establish and fund pension and deferred compensation plans for medical center employees and procure contracts insuring medical center employees, their dependents, or any class or classes thereof under a policy or policies of life, disability income, health, accident, accidental death and dismemberment, medical center surgical and medical expense insurance and workers' compensation insurance. The employee's contribution, if any, to the plan and the premium for such insurance may be deducted by the employer from the employee's salary upon written consent of the respective employee, when such contribution and deduction is not required by law;
- (5) File with the board of city commissioners a quarterly CEO letter and financial report and an annual audit report no later than 30 days after receiving the annual audit;
- (6) For the benefit of all inhabitants of said service area, and medical center patients, establish and fix a reasonable compensation for occupancy, nursing, care, medicine and attendants, which compensation may be adjusted from time to time as the trustees may determine or applicable state or federal laws may dictate; and
- (7) Have authority to expend funds deemed necessary in recruitment of professional staff.

(e) *Eminent domain.* If the board of trustees of the medical center and the owner of any property desired by them for medical center purposes cannot agree as to the price to be paid therefor, they shall report the facts to the board of city commissioners, which may institute condemnation proceedings and prosecute such proceedings in the name of the city, as provided by law.

Section 3. Repeal. To the extent this Charter Ordinance conflicts with any prior legislation adopted by the City, the conflicting provisions of any and all prior legislation are hereby repealed in full.

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 ruling shall not affect or otherwise invalidate any other provision contained within this Ordinance.

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 a purpose. Once it becomes effective, please send a certified copy of this Charter Ordinance to the Kansas Secretary of State.

Section 6. Additional modifications. Any further modifications to Municipal Code sections referenced herein may be made by regular Ordinance of the Governing Body of the City of Arkansas City.

PASSED AND ORDAINED by the governing body of the City by not less than two-thirds of the members-elect of the governing body this 15th day of May, 2018, and signed by the Mayor.

Daniel Jurkovich, Mayor

ATTEST:

Lesley Shook, City Clerk

DRAFTED AND APPROVED AS TO FORM:

TAMARA L. NILES, City Attorney