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CHARTER ORDINANCE NO. 25

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID 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 statutes and acts of the Kansas Legislature; and

WHEREAS, the City of Edgerton, 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. 12-1736, 12-1737 and 12-1738 are part of an enactment of the Kansas Legislature (K.S.A. 12-1736 *et seq.*) relating to public buildings 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 desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and to provide substitute and additional provisions therefor.

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

SECTION 1. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and hereby makes inapplicable to it the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and does hereby provide the following substitute and additional provisions in place thereof.

SECTION 2. “Public building and facility” shall mean any structure, building or facility owned, or to be owned by the City, including, but not limited to off-street parking facilities, city offices, city maintenance facilities, public libraries, auditoriums, airport facilities and related improvements, public safety, fire, and police facilities, health care facilities, community buildings, recreational buildings or public meeting facilities.

SECTION 3. The City may erect or construct, acquire by gift, purchase, condemnation or lease a public building or facility and procure any necessary site therefor by gift, purchase or condemnation and may design, alter, repair, reconstruct, remodel, renovate, replace or make additions to, furnish and equip a public building or facility. The authority herein conferred may also be exercised jointly or in cooperation

with any other governmental unit so empowered, upon such terms and conditions as shall be agreed upon by the governing body of the City and the governing body of such cooperating governmental unit or units. The City may lease any public building or facility to another party, upon such terms and conditions as the governing body may deem to be in the best interest of the City.

SECTION 4. The governing body of the City may, for the purposes hereinbefore authorized and provided: (a) Receive and expend gifts; (b) receive and expend grants-in-aid of state or federal funds; (c) issue general obligation bonds of the City; (d) levy ad valorem property taxes pursuant to applicable limits; (e) issue no-fund warrants; (f) use moneys from the general operating fund or other appropriate budgeted funds when available; (g) use moneys received from the sale of public buildings or facilities or portions thereof; (h) use moneys provided to the City for off-street parking purposes; (i) combine any two or more such methods of financing for the purposes herein authorized.


SECTION 5. 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 6. 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.

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PASSED with at least a two-thirds (2/3) vote of the entire governing body of the City of Edgerton, Kansas, on August 22, 2019 and **SIGNED** by the Mayor.





Donald Roberts, Mayor

(SEAL)

ATTEST:



Rachel James, City Clerk

APPROVED AS TO FORM ONLY



Lee Hendricks, City Attorney