(Published in *The Neodesha Derrick* on April 4, 2019 and April 11, 2019)

CHARTER ORDINANCE NO. 17

A CHARTER ORDINANCE OF THE CITY OF NEODESHA, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758(a) AND K.S.A. 12-1767 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR ON THE SAME SUBJECT RELATING TO PUBLIC BUILDING COMMISSIONS.

WHEREAS, the governing body of the City of Neodesha, Kansas (the "City) is authorized by Article 12, § 5 of the Kansas Constitution to determine its local affairs and government and to elect by charter ordinance that the whole or any part of a statutory enactment applicable to the City but not uniformly applicable to all cities shall not apply to the City; and

WHEREAS, K.S.A. 12-1758(a) and K.S.A. 12-1767 are applicable to the City but are part of enactments not uniformly applicable to all cities and the City finds and determines it necessary and advisable to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767 and to provide substitute provisions for such statutes.

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

Section 1. Exemption from Statute. The City, pursuant to Article 12, §5 of the Kansas Constitution, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767.

Section 2. Enactment of Substitute Provisions for K.S.A. 12-1758(a). The following provisions are enacted in substitution for K.S.A. 12-1758(a):

> The City, by appropriate ordinance, may create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, or for purchasing or otherwise acquiring such building or buildings or facilities. Such building or buildings or facilities shall be maintained and operated for (i) a county courthouse, (ii) the housing and accommodation of county offices or county business, (iii) City offices, fire stations, police stations, libraries, museums and City recreational buildings, and (iv) such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, including administrative offices for school districts and housing, accommodations and parking facilities for offices of state and federal agencies.

Section 3. Substitute Provisions for K.S.A. 12-1767. The following provisions are enacted in substitution for K.S.A. 12-1767:

Any revenue bonds proposed to be issued by a public building commission created by the City shall be issued as provided in K.S.A. 10-1201 *et seq*., and amendments thereto, except to the extent that such statutes are in conflict with the Public Building Commission Act as exempted and amended by this Charter Ordinance. The issuance of any such revenue bonds shall not be subject to any petition or protest.

Section 4. Effective Date. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper. This Charter Ordinance shall take effect sixty-one (61) days after its final publication unless a petition signed by not less than 10% of the electors who voted at the last preceding regular City election is filed with the City Clerk requiring a referendum to be held on this Charter Ordinance as provided in Article 12, § 5 (c)(3) of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting thereon. Upon its effective date this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of State of the State of Kansas.

[Remainder of Page Intentionally Left Blank]

PASSED, APPROVED AND ADOPTED by two-thirds majority of the governing body of the City of Neodesha, Kansas on March 27, 2019.

CITY OF NEODESHA, KANSAS

[seal]

By_____
Terry M. Harper, Mayor

ATTEST:

By_____
Bobby Busch, City Clerk

Passed:	03/27/2019
Published:	04/04/2019
	04/11/2019
Effective:	06/11/2019

EXCERPT OF MINUTES

The governing body of the City of Neodesha, Kansas met at City Hall at the usual place in the City on March 27, 2019, at 6:00 p.m., with the Mayor Terry M. Harper presiding, and the following members of the governing body present:

and the following members absent:

Thereupon, and among other business, there was presented to the governing body, a Charter Ordinance entitled:

A CHARTER ORDINANCE OF THE CITY OF NEODESHA, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758(a) AND K.S.A. 12-1767 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR ON THE SAME SUBJECT RELATING TO PUBLIC BUILDING COMMISSIONS.

The Charter Ordinance was considered and discussed; and on motion of _____, seconded by _____, the Charter Ordinance was adopted by a two-thirds majority vote of all members elect of the governing body.

The Charter Ordinance was assigned No. __ and directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to cause the publication of the Ordinance twice as set forth therein and required by law.

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CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the March 27, 2019 meeting of the governing body of the City of Neodesha, Kansas.

[seal]

_____
Bobby Busch, City Clerk