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CHARTER ORDINANCE NO. [986]

A CHARTER ORDINANCE EXEMPTING THE CITY OF COTTONWOOD FALLS, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-731 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO STREET IMPROVEMENTS 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 enactments of the Kansas Legislature; and

WHEREAS, the City of Cottonwood Falls, 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. 15-731 is an enactment of the Kansas Legislature relating to street and highway improvements 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 (the "Governing Body") desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 15-731, and to provide substitute and additional provisions therefor.

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

SECTION 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 15-731, and shall be governed by the substitute and additional provisions contained herein.

SECTION 2. Bonds for Street and Highway Improvements, Bridges and Culverts. The City may issue general obligation bonds payable by the City at large (the "Bonds") to surface, resurface, pave, repave, curb, recurb, gutter, regutter, or otherwise improve any street or streets, including sidewalks abutting thereto, avenue or avenues, or public highway or highways, together with associated drainage improvements and other incidentals as may be necessary, including the acquisition of equipment necessary therefor, and to build bridges and approaches thereto, any or all of these, when authorized so to do by adopting a resolution describing the street or streets, avenue or avenues, or public highway or highways or parts thereof to be improved, or the location of the bridge to be constructed, and describing in general terms the improvement or improvements to be made and the amount of Bonds to be issued. For bonded debt purposes such Bonds shall be considered the same as bonds issued to pay the cost of improvements of intersections of streets. The Bonds shall be issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided. The provisions of this Charter Ordinance are supplemental to other statutes relating to similar street improvements and shall not prevent the City from using other available statutes.

At the option of the City, such resolution may contain a provision that the issuance of the Bonds be subject to: (a) a provision that the resolution be published one time in the official City newspaper, and if within 30 days after the date of publication of the resolution, a petition in opposition to the issuance of the Bonds, signed by not less than 10% of the qualified electors of the City, is filed with the City Clerk, the City shall not have the authority to issue the Bonds until such question is submitted to the electors of the City at a special election called for that purpose or at the next general election and approved by a majority of the electors of the City voting at such election; or (b) approval by a majority of the electors of the City voting on such question at a special election called for that purpose or at the next general election. If no such written protest is filed pursuant to *subsection (a)*, the City may proceed to issue the Bonds. Any election required by this section shall be conducted in the manner set forth in K.S.A. 10-120 by the election officer of the county in which the City is located.

SECTION 3. 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 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 4. 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 purpose.

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PASSED with at least a two-thirds (2/3) vote of the entire Governing Body of the City of Cottonwood Falls, Kansas, on September 21, 2020, and **SIGNED** by the Mayor.



William C. Simon
Mayor

(SEAL)

ATTEST:

Nehorah Bowers
City Clerk

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Charter Ordinance No. 986 of the City of Cottonwood Falls, Kansas, adopted by the governing body on September 21, 2020, as the same appears of record in my office.

DATED: September 21, 2020.

Deborah Bower
City Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF COTTONWOOD FALLS, KANSAS
HELD ON SEPTEMBER 21, 2020**

The governing body met in regular session at the usual meeting place in the City, at 6:00 P.M., the following members being present and participating, to-wit:
MAYOR, BUDDY SISSON COUNCIL MEMBERS, PAT LARKIN, BOB STURMS, MIKE HASTINGS, BILL KEWLEY, CHRIS CARATHERS.

Absent: *NONE*

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

Thereupon, there was presented a Charter Ordinance entitled:

A CHARTER ORDINANCE EXEMPTING THE CITY OF COTTONWOOD FALLS, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-731 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO STREET IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.

Thereupon Councilmember *Hastings* moved that said Charter Ordinance be passed. The motion was seconded by Councilmember *Carathers*. Said Charter Ordinance was duly read and considered, and upon being put, the motion for the passage of said Charter Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: *5 PAT LARKIN, BOB STURMS, MIKE HASTINGS, BILL KEWLEY AND CHRIS CARATHERS*

Nay: *0*

Thereupon, the Charter Ordinance having passed with more than a 2/3 vote of the governing body, the Mayor declared said Charter Ordinance duly passed and the Charter Ordinance was numbered Charter Ordinance No. *986*, and was signed by the Mayor and attested by the City Clerk.

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Cottonwood Falls, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)



City Clerk