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CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE OF THE CITY OF LINN VALLEY, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1737 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDING 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 Linn Valley, 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. 12-1737 is part of an enactment of the Kansas Legislature (K.S.A. 12-1736 *et seq.*) relating to public building 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 desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1737, and to provide substitute and additional provisions therefor.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LINN VALLEY, 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. 12-1737, and shall be governed by the substitute and additional provisions contained herein.

Section 2. Methods of financing authorized; issuance of bonds; tax levy, use of proceeds; protest petition and election; investment of fund; issuance of no-fund warrants. The governing body of the City may, for the purposes authorized and provided by K.S.A. 12-1736:

- (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 an annual tax of not more than two mills, which tax levy may be made for a period not exceeding 10 years upon all taxable tangible property in such city for the purpose of creating a building fund to be used for the purposes herein provided and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774, and amendments thereto;
- (e) issue no-fund warrants;
- (f) use moneys from the general operating fund or other appropriate budgeted fund when available;

- (g) use moneys received from the sale of public buildings or buildings and sites; or
- (h) combine any two or more of such methods of financing for the purposes herein authorized except that the City shall first use funds received from the payment of insurance claims for damages sustained by any such public building before resorting to methods of financing herein authorized.

Before issuing its general obligation bonds to pay the costs of public building improvements authorized and provided by K.S.A. 12-1736, the governing body of the City shall adopt a resolution describing the type of public building improvement to be provided for and the amount of general obligation bonds to be issued. Such resolution may contain, but is not required to contain, a provision that the issuance of the bonds be subject to: (a) publication of such resolution 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 such resolution does not contain a provision described in the foregoing *subsection (a)* or *subsection (b)*, or if such resolution does contain a provision described in the foregoing *subsection (a)*, but no protest is filed as described in *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 Linn County. General obligation bonds authorized by this section shall be issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

No levies shall be made for the purpose of creating a building fund under the provisions of this section until a resolution authorizing the making of such levies is adopted by the governing body of the City. Such resolution shall state the specific purpose for which the tax levy is made, the total amount proposed to be raised and the number of years the tax levy shall be made. The resolution shall be published once each week for two consecutive weeks in the official City newspaper. After publication, the levies may be made unless a petition requesting an election upon the question of whether to make the levies is filed in accordance with this section. Such petition shall be signed by electors equal in number to not less than 10% of the electors who voted at the last preceding regular City election as shown by the poll books, is filed with the City Clerk within 60 days following the last publication of the resolution. If a valid petition is filed, the governing body shall submit the question to the voters at an election called for that purpose or at the next regular City election.

The levy authorized by this section shall be in addition to and not limited by any other act authorizing or limiting the tax levies of the City. The building fund may be used for the purposes provided by this section at any time after the second levy has been made. If there are insufficient moneys in the building fund for expenditures for such purposes, the governing body of the City may issue bonds of the City in the manner provided by the general bond law of the state and in an amount which, together with the amount raised by the tax levy authorized by this act, will not exceed the total amount stated in the resolution creating such fund. Cities are hereby authorized to invest any portion of the special building fund which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the special building fund.

No-fund warrants issued under the authority of this section shall be issued in the manner and form and bear interest and be redeemed as prescribed by K.S.A. 79-2940, and amendments thereto, except that they may be issued without the approval of the state board of tax appeals and without the notation required by K.S.A. 79-2940, and amendments thereto. The governing body of the City issuing such warrants shall levy a tax for the first tax levying period after such warrants are issued, sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law, and none of the tax limitations provided by article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, shall apply to such levies.

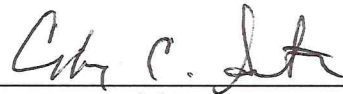
Section 3. Severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this 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 a purpose.

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PASSED with at least a two-thirds (2/3) vote of the entire governing body of the City of Linn Valley, Kansas, on August 9, 2021 and **APPROVED and SIGNED** by the Mayor.

(SEAL)



Mayor

ATTEST:




Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Charter Ordinance No. 15; that was passed by the governing body on August 9, 2021; that the record of the final vote on its passage is found on file at the office of the City Clerk.

DATED: August 9, 2021.


Clerk

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**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF LINN VALLEY, KANSAS
HELD ON AUGUST 9, 2021**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit: Lewis Donelson, Jason Jenkins, Robert Suppenbach, Brenda Muncy, John Weers

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 OF THE CITY OF LINN VALLEY, KANSAS
EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1737 AND
PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME
SUBJECT RELATING TO PUBLIC BUILDING IMPROVEMENTS AND THE
ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID
IMPROVEMENTS.**

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

Yea: 5.

Nay: 0.

Thereupon, the Mayor declared said Charter Ordinance duly passed with more than a 2/3 vote of the governing body, and the Charter Ordinance was then duly numbered Charter Ordinance No. 15, was signed and approved by the Mayor and attested by the Clerk and was directed to be published once a week for two consecutive weeks in the official newspaper of the City.

* * * * *

(Other Proceedings)


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On motion duly made, seconded, and carried, the meeting thereupon adjourned.

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 Linn Valley, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)


Clerk