

## **APPENDIX A - CHARTER ORDINANCES**

NOTE: The charter ordinances included herein are for information only. Each of them contains the substance as adopted by the governing body but enacting clauses, publication clauses and signatures have been omitted to conserve space. Complete copies of each charter ordinance as adopted are on file in the office of the city clerk and with the Kansas secretary of state. Date of passage by the governing body of each charter ordinance is shown in parentheses at the end of the text.

### **CHARTER ORDINANCE NO. 1**

A CHARTER ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS, FROM PROVISIONS OF SECTIONS 15-601 AND 15-602 OF THE GENERAL STATUTES OF 1949, RELATING TO POWERS AND DUTIES OF THE CITY MARSHAL, AND ASSISTANT MARSHAL, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Medicine Lodge, Kansas, under the authority Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to exempt itself from and to make inapplicable to it Sections 15-601 and 15-602 of the General Statutes of 1949 which apply to said city but the provisions of which do not apply uniformly to all cities, and to provide substitute and additional provisions on the same subject.

Section 2. The city marshal shall be chief of police and shall at all times have power to make or order an arrest, with proper process, for any offense against the laws of the state, or of the city, and to arrest without process in all cases where any such offense shall be committed or attempted to be committed in his presence. The city marshal shall have power and it shall be his duty to keep all such persons arrested in the city prison or other place to prevent their escape until a trial can be had before the proper officer except as otherwise provided in Section 3 of this ordinance. The city marshal shall execute all processes issued by the police judge and delivered to him for that purpose.

Section 3. Whenever any person is arrested for any violation of a traffic ordinance for which a written notice to appear and a cash appearance bond is by ordinance authorized and provided and such person is not given an immediate hearing before the police judge, the city marshal shall prepare and make such disposition of such written notice to appear as shall be provided by ordinance. The city marshal may also require any person arrested for any such violation and under such circumstances to post a cash bond in the manner and in the amount and for the offenses prescribed by such ordinance. Whenever any such person shall have given his written promise to appear upon the written notice to appear and shall have posted the required cash bond, if any, the city marshal shall forthwith release the person arrested from custody.

Section 4. The Assistant Marshal of the city shall have the same power as is conferred upon the Marshal in Sections 2 and 3 of this ordinance.

(4-16-62)

## CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS, FROM THE PROVISIONS OF SECTIONS 12-1901, 12-1902, 12-1903, A PORTION OF 12-1904, ALL OF SECTION 12-1908, AND ALL OF SECTION 12-1905, OF THE GENERAL STATUTES OF 1949, AND SECTIONS 1909 OF THE GENERAL STATUTES 12-1906, 12-1907 AND 12-1910 OF THE 1961 SUPPLEMENTS TO THE GENERAL STATUTES, WHICH SECTIONS RELATE TO THE ESTABLISHMENT OF PUBLIC RECREATION AND PLAY GROUNDS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Medicine Lodge, Kansas, under the authority of Article 12, Section 5 of the constitution of the State of Kansas hereby elects to exempt itself from and to make inapplicable to it Sections 12-1901, 12-1902, 12-1903 and all that portion of Section 12-1904 except that which provides for authority to levy an annual tax for recreation purposes not to exceed one mill and Section 12-1905, and all that portion of Section 12-1908 except that portion which provides that such levy for recreation purposes shall not be deemed or considered a levy of such city in determining the aggregate levy of such city under any of the statutes of this state, and Section 12-109 of the General Statutes of the State of Kansas of 1949, and Sections 12-1906, 12-1907 and 12-1910 of the 1961 Supplements to the General Statutes of the State of Kansas, which apply to said city but the provisions of which do not apply uniformly to all cities in the State of Kansas and do provide substitute and additional provisions on the same subject.

Section 2. The City of Medicine Lodge may operate a system of public recreation and playgrounds, acquire equipment and maintain land, buildings or other recreational facilities, employ a superintendent of recreation and assistant, vote and expend funds for the operation of such a system.

Section 3. That the recreation commission hereinafter authorized and given charge of the recreation system by this ordinance is authorized to conduct the activities of the system on an properties under its custody and management, or, with proper consent on any other private property with the consent of the owners, and may receive gifts from any sources whatsoever.

Section 4. That the City of Medicine Lodge, Kansas, may levy an annual tax to provide, establish, maintain and conduct a supervised recreation system as hereinbefore and hereinafter set forth not to exceed one mill upon the taxable property of said City of Medicine Lodge.

Section 5. That the City of Medicine Lodge may, by appropriate resolution or ordinance, provide for the establishment, maintenance and conduction of such supervised recreation system as they deem advisable and may establish a commission to be vetoed with the power, duties and obligations necessary for the conduct of such recreation system, the members of which shall serve without pay.

Section 6. That said recreation commission shall consist of five members to be appointed as follows: Upon the adoption of such ordinance or resolution as provided herein the governing body of the City of Medicine Lodge shall appoint five members, the first two appointees to serve for two of four years, the third for three years, the fourth for two years and the fifth for one year. That thereafter the members of said commission shall be elected in the same manner as the member he is succeeding and the term of office of each shall be four years. Said commission shall elect a presiding officer and secretary. Said commission is

hereby empowered to administer in all respects the business affairs of the recreation system. The disbursements made by said commission shall be paid by voucher and the claims paid by said commission shall be duly verified. The amount received from the tax herein shall be set over to said commission and used by said commission for the purposes herein set out and shall be held by the treasurer of the City of Medicine Lodge, Kansas, who shall be ex officio treasurer of said commission.

Section 7. That upon adoption of the provisions of this ordinance by proper resolution or ordinance, the commission shall annually and not later than 20 days prior to the date for the publishing of the budget of such city certify its budget to said city which city shall levy a tax sufficient to raise the amount required by such budget but in no event more than one mill; provided further, that such levy shall not be deemed or considered a levy of the City of Medicine Lodge in determining the aggregate levy of such city under any of the statutes of this state. (4-16-62)

### **CHARTER ORDINANCE NO. 3**

A CHARTER ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS, FROM THE PROVISIONS OF SECTION 79-1953 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF THE STATE OF KANSAS OF 1949 RELATING TO THE LIMITATIONS OF TAX LEVIES IN SAID CITY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

(Repealed by C.O. 12, 5-21-84)

### **CHARTER ORDINANCE NO. 4**

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 3 OF THE CITY OF MEDICINE LODGE, KANSAS, RELATING TO LIMITATION OF TAX LEVIES IN SAID CITY AND PROVIDING FOR AN ADDITIONAL PROVISION RELATING TO CIVIL DEFENSE.

(Repealed by C.O. 12, 5-21-84)

### **CHARTER ORDINANCE NO. 5**

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 3 OF THE CITY OF MEDICINE LODGE, KANSAS, WHICH IS AN ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS, FROM THE PROVISIONS OF SECTION 79-1953 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF THE STATE OF KANSAS OF 1949 RELATING TO THE LIMITATIONS OF TAX LEVIES IN SAID CITY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT BY DELETING SECTION 2 THEREOF AND INSERTING IN LIEU THEREOF A NEW SECTION 2 COVERING THE SAME SUBJECT.

(Repealed by C.O. 12, 5-21-84)

### **CHARTER ORDINANCE NO. 6**

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 3 OF THE CITY OF MEDICINE LODGE, KANSAS, WHICH IS AN ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS, FROM THE PROVISIONS OF SECTION 79-1953 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF THE STATE OF KANSAS OF 1949 AND TO ALL ACTS AND STATUTES SUBSEQUENT THERETO AND SUPPLANTING THE SAID ORIGINAL SECTION 79-1953 , WHICH STATUTES RELATE TO THE LIMITATION OF TAX LEVIES IN THE CITY OF MEDICINE LODGE, KANSAS, AND WHICH ORDINANCES PROVIDE SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT BY ADDING THERETO AN ENTIRE NEW SECTION 3 OF SAID ORDINANCES COVERING SUBSTITUTE LEVIES OF THE CITY OF MEDICINE LODGE, KANSAS.

(Repealed by C.O. 12, 5-21-84)

### **CHARTER ORDINANCE NO. 7**

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCES NOS. 3, 5, AND 6 OF THE CITY OF MEDICINE LODGE, KANSAS, WHICH ORDINANCES EXEMPT THE CITY OF MEDICINE LODGE, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-1953 OF THE 1961 SUPPLEMENTS TO THE GENERAL STATUTES OF THE STATE OF KANSAS OF 1949 AND TO ALL ACTS AND STATUTES SUBSEQUENT THERETO AND SUPPLANTING THE SAID ORIGINAL K.S.A. 79-1953, WHICH STATUTES RELATE TO THE LIMITATION OF TAX LEVIES IN THE CITY OF MEDICINE LODGE, KANSAS, AND WHICH ORDINANCES PROVIDE SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT BY ADDING THERETO AN ENTIRE NEW SECTION 4 OF SAID ORDINANCE COVERING SUBSTITUTE LEVIES OF THE CITY OF MEDICINE LODGE, KANSAS.

(Repealed by C.O. 12, 5-21-84)

### **CHARTER ORDINANCE NO. 8**

A CHARTER ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS, FROM K.S.A. 15-201, 1975, AND THAT PORTION OF K.S.A. 25-2107 WHICH PROVIDES AS FOLLOWS: "AND THE TERMS OF CITY OFFICERS SHALL BE TWO YEARS" AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS RELATING TO THE ELECTION OF MAYOR AND FIVE COUNCILMEN, TIE VOTES, TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE AND FILLING VACANCIES.

Section 1. The City of Medicine Lodge, Barber County, Kansas, by the power invested in it by Article 12, Section 5 of the constitution of the State of Kansas, hereby elects to make inapplicable to it and exempts itself from K.S.A. 15-201, 1975, and that portion of K.S.A. 25-2107 which provides "and the terms of city officers shall be two years" which applies to said city but not uniformly to all cities and provides substitute and additional provisions on the same subjects as herein provided.

Section 2. A regular city election should be held on the first Tuesday of April of each odd numbered year. At the regular city election in 1977 there shall be elected a mayor and five councilmen. At said election the candidate elected mayor shall be declared elected mayor for two years. At said election the candidates for councilman receiving the three highest number of votes shall be declared elected for a term of four years. The candidates for councilman receiving the next two highest votes shall be declared elected for a term of two years. Succeeding elections for all such offices shall be for four year terms. At such elections the candidates for councilman receiving the two of three (as the case may be) highest number of votes shall be declared elected. Whenever there is a tie vote for two or more candidates and it is necessary to determine which candidate receives the office, the winner shall be determined by lot by the County Board of Canvassers. The election officer conducting such election shall certify to the city governing body the determination of election, as is by statute provided. The terms of said offices shall be for the periods provided herein and shall begin at the first regular meeting of the council following said election and qualification and that officers shall qualify by taking and subscribing an oath or affirmation as provided by statute which may be done before or at said first meeting following their election and certification and that said officers shall serve for the terms prescribed herein and until their successors are elected and qualified.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining councilmen, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a councilman neglects or refuses to qualify within 30 days after his or her election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining councilmen, appoint some suitable elector to fill said vacancy.

In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

Section 3. The City of Medicine Lodge, Barber County, Kansas, by the power invested in it as hereinafter set forth also exempts itself from that portion of K.S.A. 25-2107 which provides "the terms of city officers shall be two years" and substitutes therefor the following: "the terms of city officers shall be as set forth in Section 2 herein."  
(7-6-76)

## **CHARTER ORDINANCE NO. 9**

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 5 OF THE CITY OF MEDICINE LODGE, KANSAS, WHICH IS AN AMENDMENT TO ORDINANCE NO. 3, WHICH IS AN ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE KANSAS, FROM THE PROVISIONS OF SECTION 79-1953 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF THE STATE OF KANSAS OF 1949 (NOW K.S.A. 79-1953) AND RELATING TO THE LIMITATIONS OF TAX LEVIES IN SAID CITY FOR LIBRARY PURPOSES AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT PURSUANT TO ARTICLE 12, SECTION 5, OF THE CONSTITUTION OF THE STATE OF KANSAS.

(Repealed by C.O. 10, 3-6-95)

## CHARTER ORDINANCE NO. 10

### A CHARTER ORDINANCE PERTAINING TO MUNICIPAL COURT COSTS.

Whereas, the governing body of the City of Medicine Lodge, Kansas, finds that it is desirable and in the best interests of the City of Medicine Lodge to elect to exempt itself from the provisions of Kansas Statutes Annotated 12-4112 and any amendment thereto, concerning the assessment of costs for the administration of justice in municipal court, and make the same inapplicable to the city; and

Whereas, the governing body of the City of Medicine Lodge, Kansas, finds that it is desirable to assess and collect from accused persons found guilty or who plead guilty to charges against them in municipal court, costs for the administration of justice; and

Whereas, the governing body of the City of Medicine Lodge, Kansas, finds that it is in the best interests of the city to establish a fund comprised of a portion of said court costs for the purpose of training police personnel.

Section 1. The city, by the power vested in it by Article 12, Section 5, of the constitution of the State of Kansas, elects to exempt itself from and make inapplicable to it K.S.A. 12-4112 and any amendments thereto; and to provide substitute and additional provisions as hereinafter set forth.

Section 2. Costs may be assessed against accused persons for the administration of justice in any municipal court case where the accused person is found guilty or where the accused person pleads guilty. The costs shall be assessed in accordance with the terms herein contained.

If it appears to the court that the prosecution was instituted without probable cause and for malicious motives, the court may require the complaining witness or other person instituting the prosecution to appear and answer concerning his motives for instituting the prosecution. If, upon hearing, the court determines that the prosecution was instituted without probable cause and from malicious motives, all costs in the case shall be assessed against the complaining witness or other person initiating the prosecution.

At the conclusion of each municipal court case, the court shall, where applicable, assess the costs against the party responsible for payment and shall cause to be delivered to such responsible party a complete statement of the costs, specifying each item of service and the fee assessed for such service.

Section 3. (Repealed by C.O. 14, 11-20-89)

Section 4. Such court costs, when the same are collected shall be paid pursuant to the provisions of K.S.A. 20-1441. Provided, however, that 50% of such costs shall go to establish a fund for the purpose of training city police personnel, with the city treasurer crediting such amounts to the designated city fund.

(1-3-83)

### **CHARTER ORDINANCE NO.11**

A CHARTER ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS FROM THE PROVISIONS OF K.S.A. 41-719(a); PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS; AND SPECIFICALLY PERMITTING THE CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN THE CONFINES OF A CERTAIN BUILDING TO-WIT: MEDICINE LODGE COMMUNITY BUILDING

Section 1. The City of Medicine Lodge, Kansas, by the power granted by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt said city from the provisions of K.S.A. 41-719(a) and to provide substitute and additional provisions as set forth in the charter ordinance said statute being applicable to said city, but not uniformly applicable to all cities.

Section 2. It shall be lawful for any person, not otherwise prohibited by the laws of the State of Kansas, to drink and consume alcoholic liquor within the confines of a certain building located on certain real property, title of which is vested in the City of Medicine Lodge, Kansas, to-wit: Medicine Lodge Community Building (formerly Kansas National Guard Armory), whether or not the general public has access, and whether or not an admission or other fee is charged or collected.

Section 3. All provisions of K.S.A. 41-719(a) not specifically modified by this charter ordinance shall remain in full force an effect and be applicable to the City of Medicine Lodge, Kansas.

Section 4. Any and all contrary provisions contained in any ordinance of the City of Medicine Lodge, Kansas, are hereby repealed.

(4-16-84)

### **CHARTER ORDINANCE NO. 12**

A CHARTER ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS FROM THE PROVISIONS OF K.S.A. 79-5001 TO 79-5017, INCLUSIVE, AND ANY AMENDMENTS THERETO; AND, REPEALING CHARTER ORDINANCES NOS. 3, 4, 5, 6, AND 7 OF THE CITY OF MEDICINE LODGE, KANSAS.

(Repealed by C. O. 15, 2-3-92)

### **CHARTER ORDINANCE NO. 13**

A CHARTER ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS FROM THE PROVISIONS OF K.S.A. 79-1953, AND ANY AMENDMENTS THERETO, AND PROVIDING FOR A LEVY NOT TO EXCEED THREE MILLS FOR THE PURPOSE OF OPERATING AND MAINTAINING THE COMMUNITY BUILDING GENERALLY KNOWN AS THE ARMORY.

Section 1. The City of Medicine Lodge, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution and the State of Kansas, hereby elects to exempt itself from and make inapplicable to it, K.S.A. 79-1953, and any amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.

Section 2. The provisions of K.S.A. 79-1953, and any amendments thereto, shall not apply to any taxes levied by the City of Medicine Lodge, Kansas.

Section 3. The City of Medicine Lodge, Kansas, is hereby authorized to levy taxes in an amount not to exceed three mills for the purpose of operating and maintaining the Community Building, formerly the National Guard Armory, and generally known as the Armory.  
(3-4-85)

#### **CHARTER ORDINANCE NO. 14**

A CHARTER ORDINANCE PERTAINING TO MUNICIPAL COURT COSTS AND AMENDING CHARTER ORDINANCE NO. 10:

WHEREAS, the Governing Body of the City of Medicine Lodge, Kansas, has previously found it desirable and in the best interests of the City of Medicine Lodge to exempt itself from the provision of K.S.A. 12-4112, and any amendments thereto, concerning the assessment of costs for the administration of justice in the Municipal Court of Medicine Lodge, and make the same inapplicable to the City; and,

WHEREAS, the Governing Body of the City of Medicine Lodge, Kansas, finds that it is in the best interest of the City of Medicine Lodge to repeal Section 3 of Charter Ordinance No 10 and to amend it as set forth hereafter.

Section 1: The City, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, elects to amend Section 3 of Charter Ordinance No. 10 of the City of Medicine Lodge, Kansas as set out hereafter.

Section 2: The costs in cases before the Municipal Court of the City of Medicine Lodge will be determined as follows:

By regular ordinance of the City of Medicine Lodge, adopted by the Governing Body at a regularly called session and enacted as provided for ordinances of cities of Kansas.  
(11-20-89)

#### **CHARTER ORDINANCE NO. 15**

A CHARTER ORDINANCE EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS FROM THE PROVISIONS OF K.S.A. 79-5021, ET SEQ., AND ANY AMENDMENTS THERETO AND REPEALING CHARTER ORDINANCE NO. 12 OF THE CITY OF MEDICINE LODGE, KANSAS.

SECTION 1. The City of Medicine Lodge, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-5021, et seq., and any amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.

SECTION 2. The provisions of K.S.A. 79-5021, et seq., and any amendments thereto, shall not apply to any taxes levied by the City of Medicine Lodge, Kansas.

SECTION 3. Charter Ordinance No. 12 of the City of Medicine Lodge, Kansas, is hereby repealed. Provided, however, that the ordinances and charter ordinances of the City of Medicine Lodge, Kansas, relating to a sewer service charge, a recreation commission levy, a library levy, an employee benefits levy, and an industrial development levy shall remain in full force and



effect as presently constituted and that this ordinance in no way effects or repeals or amends said ordinances.  
(2-3-92)

### **CHARTER ORDINANCE NO. 16**

CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO.9, AND EXEMPTING THE CITY OF MEDICINE LODGE, KANSAS FROM THE PROVISIONS OF K.S.A. 79-1951, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REMOVING ANY LIMITATION OF TAX LEVY.

Section 1. Exemption. In accordance with the authority granted to municipalities by Articles 12, Section 5 of the Constitution of the State of Kansas, the City of Medicine Lodge hereby elects to exempt itself from and to make inapplicable to the City of Medicine Lodge, the provisions of K.S.A. Supp. 79-1953, and to provide substitute and additional provisions as are set out in this ordinance. The provisions of the above mentioned statute apply to the City of Medicine Lodge, but do not apply uniformly to all cities in Kansas.

Section 2. Repeal. Charter Ordinance No. 9 of the City of Medicine Lodge, is hereby repealed.

Section 3. Tax Levy. The governing body of the City of Medicine Lodge is hereby authorized and empowered to levy taxes in each year for the general fund and other city purposes without limitation as to the rate of levy in any one year on each dollar of assessed valuation. Said purposes shall include all of the operations of the city except as limited by the provisions of Section 4 of this ordinance. The governing body may levy an amount necessary to meet the requirements of its adopted budget.

Section 4, Library. The rate of levy for library purposes shall not exceed six mills. (3-6-95)

### **CHARTER ORDINANCE NO. 17**

A CHARTER ORDINANCE OF THE CITY OF MEDICINE LODGE, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758 AND K.S.A. 12-1767 RELATING TO PUBLIC BUILDING COMMISSIONS AND THE ISSUANCE OF REVENUE BONDS THEREBY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO.

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 the acts of the Kansas Legislature; and

WHEREAS, the City of Medicine Lodge, 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. 12-1758 and K.S.A. 12-1767 are a part of an enactment of the Kansas Legislature (K.S.A. 12-1757 et seq.) relating to public building commissions and the issuance thereby of revenue bonds, 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. 12-1758 and K.S.A. 12-1767, and to provide substitute and additional provisions therefor in order to provide (a) additional and alternative methods for

financing certain public buildings in the City and (b) an exemption from a protest period relating to the authorization of certain revenue bonds.

Section 1. Exemption-K.S.A. 12-1758. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it, the provisions of K.S.A. 12-1758 and does hereby provide the following substitute and additional provisions in place thereof:

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, or purchasing or otherwise acquiring, a building or buildings or other facilities of a revenue producing character. Such building or buildings or facilities shall be maintained and operated for (i) City offices or such other purposes as are commonly carried on in connection with such facilities and general City buildings, (ii) public, municipal, community or recreational purposes of the City, (iii) educational, recreational or administrative purposes for school districts, (iv) housing and accommodation of county offices or county businesses or such other purposes as are commonly carried on in connection with such facilities and general county buildings and (v) for housing, accommodations and parking facilities for offices of state and federal agencies.

A public building commission created by the City may acquire land and facilities adjacent to or near any educational institution under the supervision and control of the state board of regents or may acquire by lease, land and facilities constituting a part of the campus of any such institution. Any public building commission may construct, reconstruct, equip and furnish such facilities on such land and lease such land and facilities to the official governing body of such institution. Any such lease entered into shall pledge the net revenue from such land and facilities. The City also may pledge such funds as may be necessary from those which are provided to be paid over to the board of trustees from the annual tax levy as provided by K.S.A. 76-3a07, and amendments thereto. The governing body of the City is hereby authorized to designate any surplus from such tax levy as may be necessary to guarantee the rentals under any such lease, and the City is hereby exempted from the provisions of K.S.A. 10-1101 to 10-1122, inclusive, and 79-2925, and amendments thereto, to the extent necessary to enable the City to make a covenant to effect such guarantee.

Section 2. Exemption-K.S.A. 12-1767. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1767 and does hereby provide substitute and additional provisions in place thereof as follows:

(a) 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 this Charter Ordinance or K.S.A. 12-1757 *et seq.* Before any revenue bonds are authorized or issued under the provisions of this Charter Ordinance and K.S.A. 12-1757 *et seq.*, the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof.

(b)(1) Except as otherwise provided in subsection (b)(2) of this section, the resolution shall provide that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than 5% of the electors of the City or by not less than 5% of the electors of the county or school district if the lease is with such entity, is filed with the county election officer, the board of county commissioners shall submit the question to the voters at an election called for that purpose or at the next general election. Except as otherwise provided in subsection (b)(2) of this section, such resolution shall be published once a week for two consecutive weeks in the official city newspaper or in a newspaper having general circulation in the county if the lease is with a county or school district.

(2) Notwithstanding the provisions of subsection (b)(1) of this Section, a resolution of the

public building commission adopted within one year from the date of this Charter Ordinance authorizing the issuance of revenue bonds to finance a swimming pool recreation facility in the City shall be published once in the official City newspaper and shall not be subject to petition in opposition of the resolution.

(c) No construction contract shall be let or approved by a public building commission until after the expiration of the protest period provided under this section, provided that, with respect to revenue bonds authorized by a resolution described in subsection (b)(2) of this Section, the public building commission may let or approve a construction contract upon publication of such resolution once in the official City newspaper. (8-15-05)