

CHARTER ORDINANCE NO. 28

A CHARTER ORDINANCE EXEMPTING THE CITY OF GARDNER, KANSAS, FROM THE PROVISIONS TO K.S.A. 12-834 RELATING TO BONDS FOR GAS, WATER, LIGHT, HEAT, STREET-RAILWAY OR TELEPHONE SERVICE; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 12 OF THE CITY.

WHEREAS, the City of Gardner, Kansas (the “City”), is a city of the second class duly organized and existing under the laws of the State of Kansas;

WHEREAS, pursuant to Article 12, Section 5, of the Constitution of the State of Kansas, cities are empowered to determine their local affairs and government except for legislative enactments applicable uniformly to all cities;

WHEREAS, K.S.A. 12-834 is applicable to the City but not uniformly applicable to all cities;

WHEREAS, through passage of Charter Ordinance No. 12, passed on September 8, 1992 (“Charter Ordinance No. 12”), the City exempted itself from the provisions of K.S.A. 12-834 and provided therein substitute provisions for the authority to issue general obligation bonds to pay for the cost of certain public improvements; and

WHEREAS, the Governing Body of the City hereby determines that it is in the best interests of the City to repeal and replace Charter Ordinance No. 12 to provide substitute and additional provisions on the same subject;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

Section 1. The City, 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 the provisions of K.S.A. 12-834 and provide substitute and additional provisions as hereinafter set forth in this Charter Ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to the City but are not applicable uniformly to all cities. Such substitute and additional provisions for K.S.A. 12-834 shall be as follows:

Whenever and as often as the Governing Body of the City determines that the necessities of the City require the issuance of general obligation bonds of the City for the purpose of purchasing, extending and improving, or purchasing, constructing or extending, works for the purpose of supplying the City and its inhabitants with natural gas, water, electricity, heating, street-railway service, telephone service, or internet or communication service, it shall be lawful for the Governing Body of the City by ordinance or resolution duly passed to direct the

issuance of such bonds. For purposes of this Charter Ordinance, the term “works” shall include any improvement, equipment, or furnishing, including the land necessary therefor, that, when purchased, extended, improved, or constructed, will serve a public purpose, including, but not limited to, any such improvement, equipment, or furnishing which is owned in whole or in part by the City or by any other governmental, quasigovernmental, or nongovernmental person or entity when it is found by the Governing Body that such improvement, equipment, or furnishing serves a public purpose.

Section 2. Charter Ordinance No. 12 shall be repealed on the date this Charter Ordinance becomes effective; provided, however, if this Charter Ordinance does not become effective prior to December 1, 2020, this Section and the repeal of Charter Ordinance No. 12 shall be of no force and effect; and provided, further, that the repeal of Charter Ordinance No. 12 shall not prohibit the City from completing any projects, spending the proceeds of any bond issues, or taking such other action which has been authorized in connection with any bonds issued pursuant to Charter Ordinance No. 12 and which are outstanding on the date Charter Ordinance No. 12 is repealed.

Section 3. This Charter Ordinance shall be published once each week for two consecutive weeks in an official City newspaper.

Section 4. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective if approved by the majority of the electors voting thereon.

Section 5. 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 the State of Kansas.

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PASSED by not less than two-thirds vote of the members-elect of the Governing Body of the City of Gardner, Kansas, on June 15, 2020.

CITY OF GARDNER, KANSAS

(Seal)

_____/s/ Steve Shute_____
Mayor

ATTEST:

_____/s/ Sharon Rose_____
City Clerk