

(Published in the *Salina Journal* on 5-13-22 and 5-20-22)

ORDINANCE NO. 41

A CHARTER ORDINANCE EXEMPTING THE CITY OF SALINA, KANSAS, FROM THE PROVISIONS OF K.S.A. 13-1024a AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO GENERAL IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS; AND REPEALING CHARTER ORDINANCE NUMBER 39.

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the “Act”) empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government, including passing charter ordinances which exempt such cities from non-uniform statutes and acts of the Kansas Legislature; and

WHEREAS, the City of Salina, 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. 13-1024a is part of an enactment of the Kansas Legislature (K.S.A. 13-1024a *et seq.*) relating to general 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 City has previously passed Charter Ordinance No. 39, providing different and additional provisions to K.S.A. 13-1024a; and

WHEREAS, the governing body of the City desires to repeal Charter Ordinance No. 39 and, by new charter ordinance, exempt the City from the provisions of K.S.A. 13-1024a and provide substitute and additional provisions therefor.

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

Section 1. Exemption – K.S.A. 13-1024a. The City of Salina, Kansas (the “City”) by virtue of the powers vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and hereby make inapplicable to it Section 13-1024a, Kansas Statutes Annotated, that applies to the City, but is part of an enactment which does not apply uniformly to all cities, and thereby provides substitute and additional provisions on the same subject as hereinafter provided.

Section 2. Substitute and Additional Provisions. The City of Salina, Kansas hereby adopts the following substitute and additional provisions of Section 13-1024a, Kansas Statutes Annotated:

As a complete alternative to all other methods provided by law, the city may borrow money and issue its bonds for the purpose of paying the project costs (which may include acquisition of interests in real estate and architectural, engineering, and other professional services) for the following categories of projects:

Project Category	Description
A.	<u>Streets.</u> Construction, reconstruction, improvement or repair of any street or roadway located within or partially within the city limits and not designated as a main trafficway pursuant to K.S.A. 12-685 <i>et seq.</i>
B.	<u>Bridges and Viaducts.</u> Construction, reconstruction, improvement or repair of any bridge or viaduct located within or partially within the city limits and not located on a street designated as a main trafficway pursuant to K.S.A. 12-685 <i>et seq.</i>
C.	<u>Public Parks.</u> Acquisition of land for public park purposes and acquisition, construction, reconstruction, improvement and repair of park and recreation facilities other than those more specifically addressed under categories G, H and I below, whether located inside or outside the city limits.
D.	<u>Public Buildings.</u> Acquisition, construction, reconstruction, improvement or repair of public buildings or acquisition of land for the construction, reconstruction, improvement or repair of public buildings, whether located inside or outside the city limits.
E.	<u>Storm Water Drainage Systems.</u> Improvements, extension, or repair of the storm water drainage systems, whether located inside or outside the city limits.
F.	<u>Water Works and/or Sanitary Sewer Systems.</u> Improvements, extension, or repair of the city-owned water works and /or sanitary sewer systems, and appurtenances thereto, whether located inside or outside the city limits.
G.	<u>Family Aquatic Park.</u> Financing, constructing, equipping, supplying and maintaining a family aquatic park.
H.	<u>Public Building for Recreational Purposes.</u> Acquisition or construction of a public building for recreational purposes and acquisition of land for the construction of a public building for recreational purposes
I.	<u>Baseball/Softball Facility Improvements.</u> Reconstruction, improvements, and repair of City owned Baseball/Softball facilities as intended in the Public Private Partnership Agreement with Salina Athletic Partners.

Issuance of bonds by the City pursuant to this charter ordinance shall require authorization by a majority of the votes cast at an election held for that purpose, except, however, that in any calendar year the City may issue bonds pursuant to this charter ordinance without an election, as follows:

- (1) a maximum of \$1,000,000 under each of project categories A through E;
- (2) a maximum of \$2,000,000 under each of project category F;
- (3) a maximum of \$12,500,000 under each of project category G;
- (4) a maximum of \$7,000,000 under each of project category H; and
- (5) a maximum of \$4,000,000 under each of project category I.

Section 3. Repealer. Subject to the effectiveness of this Charter Ordinance, Charter Ordinance No. 39 of the City is hereby repealed.


Section 4. 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 5. 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-one (61) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%)

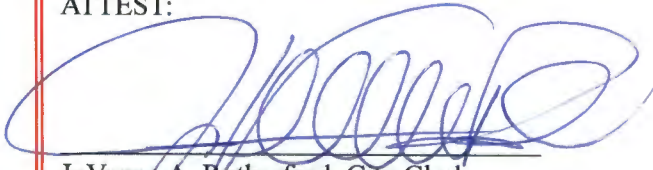
of the number of electors who voted at the last preceding regular City election shall be filed in the office of the Clerk, demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

PASSED with at least a two-thirds (2/3) vote of the entire governing body of the City of Salina, Kansas, on May 9, 2022 and **APPROVED AND SIGNED** by the Mayor.

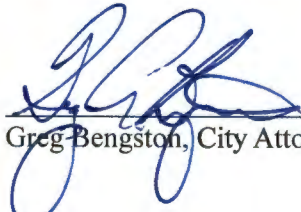
(SEAL)


Trent W. Davis, M.D., Mayor

ATTEST:


JoVonna A. Rutherford, City Clerk

[APPROVED AS TO FORM ONLY.]


Greg Bengston, City Attorney

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