

CHARTER ORDINANCE NO. 35

A CHARTER ORDINANCE OF THE CITY OF FORT SCOTT, KANSAS, EXEMPTING SUCH CITY FROM THE PROVISIONS OF K.S.A. 12-1222 RELATING TO LIBRARIES, 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 adopting charter ordinances which exempt such cities from enactments of the Kansas Legislature; and

WHEREAS, the City of Fort Scott, Kansas (the "City") is a city, as defined in the Act, duly created, and organized under the laws of the State of Kansas (the "State"); and

WHEREAS, K.S.A. 12-1222 is part of an enactment of the Kansas Legislature (K.S.A. 12-1218 et seq.) relating to libraries, which enactment is applicable to the City but is not uniformly applicable to all cities within the State; and

WHEREAS, the Governing body (the "City Commission") of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1222, and to provide substitute and additional provisions therefore in order to operate the Fort Scott Public Library (the "City Library").

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FORT SCOTT, KANSAS, AS FOLLOWS:

SECTION 1. Exemption - K.S.A. 12-1222. 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. 12-1222, and does hereby provide the following substitute and additional provisions in place thereof:

1. Upon the establishment of a City Library under this act the acting head of the City (the "Mayor") shall appoint, with the approval of the City Commission, a library board for such library, consisting of seven (7) members and one (1) City Commission member.
 - a) The library board shall consist of seven (7) members who shall be appointed by the Mayor and with the approval of the City Commission.
 - b) In addition to these appointed members of the board, one (1) City Commission member shall be appointed upon the approval of the City Commission. Any City Commission member, including the Mayor, shall be eligible for appointment. The appointed City Commissioner shall be ex-officio a member of the library board with the same voting powers as appointed members.

- c) No person holding any public or official office in the City, other than a City Commission member, shall be appointed a member of a library board while holding such office.
- 2. Upon the expiration of the terms of members first appointed, succeeding members shall be appointed in like manner for terms of four (4) years.
 - a) Members of a library board holding office at the effective date of this act shall continue to hold their offices until April 30 following the expiration of the terms for which appointed, and on or before May 1 following the first expiration of a term, a sufficient number shall be appointed by the Mayor, with the approval of the City Commission, for terms of four (4) years to constitute a library board of the number of members prescribed by this act.
 - b) A member of the City Commission appointed to a library board shall serve a term of one (1) year, without restriction as to consecutive terms allowed. The City Commission shall annually appoint a member of the City Commission, as outlined herein, with the approval of the City Commission, on or before February 1 of each year to serve on the library board.
- 3. Four (4) of the members appointed to a library board shall be residents of the City, and three (3) of the members appointed to a library board may reside within a three-mile radius of the City's legal boundaries.
 - a) Appointments or terms served by a member of a library board made prior to the effective date of this charter ordinance shall not retroactively count against the term limit eligibility of a library board member hereunder.
 - b) No person who has been appointed for two (2) consecutive four (4) year terms to a library board shall be eligible for further appointment to such board until one (1) year after the expiration of the second term.
 - c) Vacancies occasioned by removal from the municipality or the three-mile radius of City boundaries for such members, resignation or otherwise, shall be filled by appointment for the unexpired term.
 - d) Members of library boards shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

SECTION 2. REPEAL. To the extent this Charter Ordinance conflicts with any prior resolution, ordinance, or legislation adopted by the City Commission, conflicting provisions of any and all prior legislation are hereby repealed. Otherwise, any provision not repealed herein or by any other Charter Ordinance is hereby ratified and confirmed.

SECTION 3. NON-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, this entire Charter Ordinance shall be invalid.

SECTION 4. PUBLICATION AND 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 in 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. Once this Charter Ordinance becomes effective, a certified copy of this Charter Ordinance shall be sent to the Kansas Secretary of State.

PASSED AND ORDAINED by the Governing body of the City of Fort Scott, Kansas,
with not less than two-thirds of the members-elect of the Governing Body voting in favor
thereof, this 19th day of March, 2024, and signed by the Mayor with
the City Clerk witness thereof.



Lisa A. Lewis, City Clerk

Tracy Dancer, Mayor