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CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE EXEMPTING THE CITY OF MORAN, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-834 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO IMPROVEMENTS FOR GAS, WATER, ELECTRIC LIGHT, HEATING AND STREET RAILWAY OR TELEPHONE SERVICE 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 Moran, 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. 12-834 is an enactment of the Kansas Legislature relating to the issuance of bonds for the purposes of purchasing, constructing or extending works for natural gas, water, electric light, heating, or street-railway or telephone service, 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. 12-834, and to provide substitute and additional provisions therefor.

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

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. 12-834, and shall be governed by the substitute and additional provisions contained herein.

Section 2. Bonds for gas, water, electric power and light, heat, street-railway or telephone service. Whenever and as often as the members of the governing body of the City shall vote in favor of authorizing 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, electric power and light and, or heating, or street-railway or telephone service, it shall be lawful for the governing body of the City, by resolution duly adopted, to authorize the issuance of general obligation bonds for such purposes, which said bonds shall be issued according to law. The provisions of this Charter Ordinance are supplemental to other statutes relating to the purchase, reconstruction or extension of such improvements and shall not prevent the City from using other available statutes.

Such resolution may, but shall not be required to, contain a provision that the issuance of the bonds be subject to: (a) a provision that the resolution be published 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.

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 purpose.

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PASSED with at least a two-thirds (2/3) vote of the entire governing body of City of Moran, Kansas, on May 20, 2024 and signed by the Mayor.

(SEAL)

ATTEST:

Gerry D Wallis, Mayor

Lori S Evans, City Clerk

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