

## **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 OF THE CITY OF AUGUSTA, KANSAS, EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM THE PROVISIONS OF SECTION 14-204 AND 14-205 OF THE GENERAL STATUTES OF KANSAS, 1949, INSOFAR AS ANY PORTION THEREOF RELATES TO THE OFFICE OF CITY COUNCILMEN, AND PROVIDING VARIOUS SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT INCLUDING PROVISIONS FOR THE METHOD AND MANNER OF THE ELECTION OF COUNCILMEN IN SAID CITY; THE RESIDENCE REQUIREMENT FOR SUCH COUNCILMEN; A PROCEDURE FOR BREAKING TIE VOTES FOR COUNCILMEN, A PROCEDURE FOR FILLING OF VACANCIES OCCURRING IN OFFICE BY THE REMOVAL OF A COUNCILMAN FROM WARD OR BY HIS DEATH, RESIGNATION, OR FAILURE TO QUALIFY FOR HIS OFFICE OR DISQUALIFICATION FOR THE HOLDING OF SUCH OFFICE AND PROVIDING FOR THE QUALIFICATION OF COUNCILMEN, AND PROVIDING FOR THE SUBSCRIBING TO THIS OATH AND THE GIVING OF BOND AND SECURITY FOR FAITHFUL PERFORMANCE OF DUTY.

(Repealed by Charter Ordinance No. 4)

### **CHARTER ORDINANCE NO. 2**

A CHARTER ORDINANCE EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM K.S.A. 12-1640, RELATING TO DEMAND DEPOSITS OF PUBLIC MONIES AND CERTAIN DUTIES OF THE CITY TREASURER.

(Statute Repealed in 1968)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM K.S.A. 79-1952, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REMOVING ANY LIMITATION OF TAX LEVY.

Section 1. The City of Augusta, Kansas, a city of the second class, 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. 79-1952, and provide substitute and additional provisions as hereinafter set forth in the ordinance. K.S.A. 79-1952 is applicable to this city but is not applicable

uniformly to all cities of the second class, and the legislature has not established classes of cities for the purpose of imposing tax limitations and prohibition.

Section 2. The governing body of the City of Augusta, Kansas, is hereby authorized and empowered to levy taxes in each year for the following city purposes; provided, that the city purposes specifically authorized by other statutes are not excluded, because they are not enumerated herein. That said levy shall be on each dollar of assessed tangible valuation of said city for the following purposes:

General Government which shall include but not be limited to the following activities: City government; police department; fire department; health and sanitation, including refuse collection and disposal; highways (all public traveled ways, including bridges); sewer maintenance, sanitary and storm, sewage treatment and disposal; parks, swimming pools, cemeteries; street lighting and other public lighting and hydrant rental; forestry; civil defense; local flood control, traffic control; community buildings, memorial maintenance, library, airport.

Said governing body may levy an amount necessary to meet the requirements of its adopted budget.

(04-01-68)

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

A CHARTER ORDINANCE OF THE CITY OF AUGUSTA, KANSAS, EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM THE PROVISIONS OF K.S.A. 1968 SUPP. 14-201, 14-204, 14-205, INsofar AS ANY PORTION THEREOF RELATES TO THE OFFICE OF CITY COUNCILMEN, AND PROVIDING VARIOUS SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT INCLUDING PROVISIONS FOR THE METHOD AND MANNER OF THE ELECTION OF COUNCILMEN IN SAID CITY; THE RESIDENCE REQUIREMENT FOR SUCH COUNCILMEN; A PROCEDURE OF BREAKING TIE VOTES FOR COUNCILMEN; A PROCEDURE FOR FILLING OF VACANCIES OCCURRING IN OFFICE BY THE REMOVAL OF A COUNCILMAN FROM HIS WARD OR BY HIS DEATH, RESIGNATION, OR FAILURE TO QUALIFY FOR HIS OFFICE OR DISQUALIFICATION FOR THE HOLDING OF SUCH OFFICE; AND PROVIDING FOR THE QUALIFICATION OF COUNCILMEN, AND PROVIDING FOR THE SUBSCRIBING TO HIS OATH AND THE GIVING OF BOND AND SECURITY FOR FAITHFUL PERFORMANCE OF DUTY, AND REPEALING CHARTER ORDINANCE NO. 1 OF SAID CITY.

(Repealed by Charter Ordinance No. 8)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM K.S.A. 79-5011; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND AUTHORIZING THE LEVYING OF TAXES TO CREATE A SPECIAL FUND FOR THE PURPOSE OF PAYING EMPLOYEE BENEFITS.

Section 1. The City of Augusta, 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. 79-5011, and to provide substitute and additional provisions as hereinafter set forth in this charter ordinance.

Section 2. The provisions of K.S.A. 79-5001 and 79-5016, inclusive, shall not apply to or limit the levy of taxes by the City of Augusta for the payment of:

- (a) Principal and interest upon bonds and temporary notes;
- (b) No-fund warrants issued with the approval of the state board of tax appeals;
- (c) Legal judgments rendered against the city;
- (d) Rent due under any lease with a public building commission;
- (e) Special assessments charged against the city at large;
- (f) Employee benefits costs.

Section 3. The provisions of Article 50 of Chapter 79 of the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Augusta, levied under the provisions of K.S.A. 40-2305 and 79-4920, or to any other taxes authorized by state law to be levied in addition to or exempt from the aggregate levy limitation of the City of Augusta.

Amounts produced from any levy specified or authorized in this charter ordinance, including any levy or purpose authorized to be levied in addition to or exempt from the aggregate levy limit of the city, shall not be used in computing any aggregate limitation under Article 50 of Chapter 79 of the Kansas Statutes Annotated.

Section 4. The City of Augusta is hereby authorized to levy a tax for the purpose of paying the city's share of employee benefits costs. As used in this charter ordinance, employee benefits costs shall include payments made by the city for employee benefits, exclusive of any salary, wages or other direct payments to such employees, as may be prescribed by ordinance of the governing body.

(06-05-78)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM THE PROVISIONS OF THE 1978 SUPPLEMENTS TO KANSAS STATUTES ANNOTATED 75-1117, 75-1120, 75-1121 AND 75-1122, SO AS TO NOT REQUIRE SAID CITY TO MAINTAIN FIXED ASSET RECORDS AND ACCOUNTING.

Section 1. That the City of Augusta, Kansas, a city of the second class, who and by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself and does hereby exempt itself from the provisions of K.S.A. 75-1117, 75-1120, 75-1121 and 75-1122, as amended by the 1978 supplements thereto, and makes said statutes applicable to said city insofar as said statutes require the city of Augusta, Kansas, to maintain fixed asset records and accounting.

(01-15-79)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF AUGUSTA, BUTLER COUNTY, KANSAS FROM SECTION 79-5001 TO SECTION 79-5017, KANSAS STATUTES ANNOTATED AND ANY AMENDMENTS THERETO.

Section 1. That pursuant to the provisions of Section 15, Article 12 of the Constitution of the State of Kansas, the City of Augusta, Butler County, Kansas, hereby elects to exempt itself from and to make inapplicable to it Sections 79-5001 to 79-5017, K.S.A. and amendments thereto, which apply to said city but the provisions of which do not apply uniformly to all cities.  
(04-21-81)

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

(Repealed by Charter Ordinance 12)

A CHARTER ORDINANCE OF THE CITY OF AUGUSTA, KANSAS, EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-201, 14-204, 14-205, INsofar AS ANY PORTION THEREOF RELATES TO THE OFFICE OF CITY COUNCILMEN AND MAYOR, AND PROVIDING VARIOUS SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT INCLUDING PROVISIONS FOR THE METHOD AND MANNER OF THE ELECTION OF COUNCILMEN AND MAYOR IN SAID CITY; THE RESIDENCE REQUIREMENT FOR SUCH COUNCILMEN; A PROCEDURE OF BREAKING TIE VOTES FOR COUNCILMEN, A PROCEDURE FOR FILLING OF VACANCIES OCCURRING IN OFFICE BY THE REMOVAL OF A COUNCILMAN FROM HIS WARD OR BY HIS DEATH, RESIGNATION, OR FAILURE TO QUALIFY FOR HIS OFFICE OR DISQUALIFICATION FOR THE HOLDING OF SUCH OFFICE; AND PROVIDING FOR THE QUALIFICATION OF COUNCILMEN, AND PROVIDING FOR THE SUBSCRIBING TO HIS OATH AND THE GIVING OF BOND AND SECURITY FOR FAITHFUL PERFORMANCE OF DUTY, AND REPEALING CHARTER ORDINANCE NO. 4 OF SAID CITY.

Section 1. That the City of Augusta, Kansas, a city of the second class, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to and does exempt itself from and make inapplicable to it the provisions of K.S.A. 14-201, 14-204 and 14-205, insofar as any portion thereof relates to the office of city councilmen and mayor and the method and manner of election of councilmen and mayor in said city, the resident requirements of such councilmen, and the procedure for breaking tie votes for councilmen and mayor and the procedure for filling vacancies occurring in office by the removal of a councilman from his ward or by his death, resignation or failure to qualify for office, and also such provisions as related to the qualification of councilmen and the provisions relating to his subscribing to his oath and giving of bond and security for his faithful performance of duty as councilman.

Section 2. That each of the four wards in said city shall have two councilmen with alternating terms, each of which councilmen shall be chosen by the qualified electors of his ward, and no person shall be eligible for the office of councilman who, at the time of his election, is not an actual resident of the ward from which he was elected, his office shall become vacant; provided however, that nothing herein shall be construed as disqualifying a councilman from his office for the remainder of the term for which he was elected in the case and event where the governing body, upon redefining the boundaries of wards of said city, shall place the councilman's residence outside of the ward from which he was elected.

Section 3. (a) There shall be elected on the first Tuesday in April, 1987, a councilman from each of the four wards for a term of three years. On the first

Tuesday in April, 1988, there shall be a councilman elected from each of the four wards for a term of four years. On the first Tuesday in April of each even-numbered year thereafter a councilman from each of the four wards shall be elected for a term of four years.

(b) On the first Tuesday in April, 1987, a mayor shall be elected for a term of three years. On the first Tuesday in April, 1990 and the first Tuesday in April every four years thereafter a mayor shall be elected for a term of four years.

Section 4. Whenever there shall be a tie vote in the election of a councilman or mayor the tie vote shall be determined by lot by the canvassing board of the City of Augusta, Kansas, at its regular canvassing meeting following the annual city election.

Section 5. All vacancies occurring in the office of city councilmen for the City of Augusta, Kansas, whether such vacancies occur by reason of the removal of a councilman from his ward or by his death, resignation, the failure of a councilman to qualify for office, or the disqualification of a councilman for the holding of such office shall be filled by an election held among the remaining members of the city council of said city, and such election must be held at the next regular meeting of the governing body of said city or at a special meeting called thereto for the purpose of filling such vacancy or at an adjournment or continuance of such regular or special meeting and any successor in office elected by the governing body to fill such vacancy must be elected by a majority of the remaining councilmen of said city, and should the remaining councilmen of said city fail to elect a successor in office for the vacancy in office of councilman after being polled three times by the mayor, or in his absence, the president of the council of said city, then and in the event, the mayor, or in his absence, the president of the council of said city, shall appoint a qualified person from the ward in which said vacancy exists to fill such unexpired term; and in the event that any person so elected by the remaining members of the council or appointed by the mayor or president of the council in the manner aforesaid, should refuse, fail or neglect to qualify for such office by taking or subscribing to his oath for a period of 30 days following such election or appointment, as the case may be, then and in that event the mayor of said city shall forthwith appoint another qualified person to fill such vacancy.

Section 6. That forthwith, upon the election or appointment of a councilman to fill the vacancy as hereinbefore described in Section 5 of this ordinance, the city clerk of said city shall forthwith issue a certificate of office to such person appointed or elected to fill such vacancy, and such certificate shall be mailed by the city clerk to the residence of such person within the City of Augusta, Kansas.

Section 7. That nothing herein shall be construed as rendering invalid any act of the governing body of said city, or during the period of time between the appointment or election of a councilman to fill an unexpired term and prior to his qualification by his taking and subscribing the oath within the time hereinabove specified.

Section 8. That nothing herein shall be construed as extending the term of any councilman elected or appointed in the manner aforesaid to unexpired term for which he was appointed or elected.

Section 9. All councilmen elected or appointed under the provisions of this ordinance shall take and subscribe to oath for the faithful performance of their duties within 30 days after such appointment or election, and the council of said

city may hereafter by resolution or ordinance require all councilmen of the city to give uniform bonds or security for the faithful performance of their duties.

Section 10. Charter Ordinance No. 4 of the City of Augusta, Kansas, is hereby repealed.  
(06-02-86)

#### **CHARTER ORDINANCE NO. 9**

A CHARTER ORDINANCE OF THE CITY OF AUGUSTA, KANSAS, EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112 AND 12-4411 INSOFAR AS ANY PORTION OF SAID STATUTES RELATE TO ASSESSMENT OF COURT COSTS AND FEES AND MILEAGE FOR WITNESSES, AND PROVIDING FOR THE SETTING OF COSTS AND FEES AND MILEAGE FOR WITNESSES BY ORDINANCE ADOPTED BY SAID CITY.

Section 1. That the City of Augusta, Kansas, a city of the second class, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to and does exempt itself from and make inapplicable to it the provision of K.S.A. 12-4112 and 12-4411 insofar as said statutes pertain to the assessment of court costs and fees and mileage for witnesses.

Section 2. That the City of Augusta, Kansas, shall have the authority to establish court costs and fees and mileage for witnesses by adopting an ordinance setting forth such costs and fees as deemed appropriate for the orderly administration of the municipal court of the City of Augusta, Kansas.  
(07-17-89)

#### **CHARTER ORDINANCE NO. 10**

A CHARTER ORDINANCE OF THE CITY OF AUGUSTA, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758, K.S.A. 12-1760 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.

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:

(a) 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) a county courthouse, (ii) the housing and accommodation of county offices or county business, (iii) city offices, (iv) independent living facilities for senior citizens, or (v) such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, including administrative offices for school districts and housing, accommodations and parking facilities for offices of state and federal agencies.

(b) 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. 101101 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. 12-1760. 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. 12-1760 and does hereby provide substitute and additional provisions in place thereof as follows:

A public building commission authorized under this *Charter Ordinance* and K.S.A.12-1757 et seq. shall have the power to do all things necessary or incidental to the purpose of constructing or acquiring or enlarging, furnishing and operating and maintaining buildings or facilities to be made available for use by governmental agencies. and non-profit corporations organized under the laws of this state.

Section 3. 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. 104201 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 a public building commission adopted within one year from the date of

this Charter Ordinance authorizing the issuance of revenue bonds to finance the acquisition of an independent living facility for senior citizens, 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

Section 4. Severability. 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 (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 a purpose.

(11-19-01)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF AUGUSTA, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1693(a) AND K.S.A. 12-1697(a) AND PROVIDING FOR SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE LEVY OF A TRANSIENT GUEST TAX FOR TOURISM AND CONVENTIONS AND EXEMPTING SAID CITY FROM THE PROVISIONS OF K.S.A. 12-1695 AND 12-16,101 AND PROVIDING FOR SUBSTITUTE PROVISIONS ON THE SAME SUBJECT RELATING TO THE NUMBER OF MEMBERS TO BE APPOINTED TO THE CONVENTION AND TOURISM COMMITTEE.

Section 1. The City of Augusta, Kansas, a second class city, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and does exempt itself and make inapplicable to said City the provisions of K.S.A. 12-1693(a) and K.S.A. 12-1697(a) relating to the levy of a transient guest tax for tourism and conventions, and does make itself exempt from and make inapplicable to said City the provisions of K.S.A. 12-1695 and K.S.A. 12-16,101 relating to the appointment and number of members to a convention and tourism committee. Such reference provisions are either enactments or parts thereof which are applicable to the City but are not applicable uniformly to all cities.

Section 2. In order to provide for revenues to promote tourism and conventions, the City of Augusta hereby levies a transient guest tax at a rate not to exceed three percent (3%) upon the gross receipts derived from and paid directly or through an accommodations- broker by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court. The percentage of such tax shall be determined by the Governing Body of said City and shall be specified in a resolution or ordinance authorizing the levy of such tax.

Section 3. The Governing Body of the City of Augusta shall establish a convention and tourism committee to make recommendations concerning the programs and expenditures for promotion of conventions and tourism consisting of seven (7) members to be appointed by the Governing Body. The membership of this committee shall have two (2) members who are either owners, operators or employees of persons engaged in the hotel or motel business within said City; two (2) members who represent agencies or organizations that are actively engaged in promoting tourism, or from facilities or organizations of historic or cultural attraction within the City; one (1) representative of the Augusta Chamber of Commerce; and two (2) representatives of the general public. The Governing Body shall provide, by resolution, for the appointment and terms of service not to exceed four (4) years for such members. The City of Augusta shall have the authority to contract for convention and tourism programs to be implemented within the City.  
(01-06-03)

Section 4. This charter ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

Section 5. This charter ordinance shall take effect sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed and a referendum is held on the ordinance as provided in Article 12, Section 5(c)(3), of the Constitution of the State of Kansas, in such case the ordinance shall become effective if approved by a majority of the electors voting thereon. (1-6-2003)

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

A CHARTER ORDINANCE OF THE CITY OF AUGUSTA, KANSAS, EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-201, 14-204, 14-205, INSOFAR AS ANY PORTION THEREOF RELATES TO THE OFFICE OF CITY COUNCILMEN AND MAYOR, AND PROVIDING VARIOUS SUBSTITUTES AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT INCLUDING PROVISIONS FOR THE METHOD AND MANNER OF THE ELECTION OF COUNCILMEN AND MAYOR IN SAID CITY; THE RESIDENCE REQUIREMENT FOR COUNCILMEN, A PROCEDURE FOR FILLING OF VACANCIES OCCURRING IN OFFICE BY THE REMOVAL OF A COUNCILMAN FROM HIS WARD OR BY HIS DEATH, RESIGNATION, OR FAILURE TO QUALIFY FOR HIS OFFICE OR DISQUALIFICATION FOR THE HOLDING OF SUCH OFFICE; AND PROVIDING FOR THE QUALIFICATION OF COUNCILMEN AND PROVIDING FOR THE SUBSCRIBING TO HIS OATH AND THE GIVING OF BOND AND SECURITY FOR FAITHFUL PERFORMANCE OF DUTY, AND REPEALING CHARTER ORDINANCE NO. 4 OF SAID CITY.

Section 1. That the City of Augusta, Kansas, a city of the second class, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the

State of Kansas hereby elects to and does exempt itself from and make inapplicable to it the provisions of K.S.A. 14-201, 14-204 and 14-205, insofar as any portion thereof relates to the office of city councilmen and mayor and the method and manner of election of councilmen and mayor in said city, the resident requirements of such councilmen, and the procedure for breaking tie votes for councilmen and mayor and the procedure for filling vacancies occurring in office by the removal of a councilman from his ward or by his death, resignation or failure to qualify for office, and also such provisions as relate to the qualification of councilmen and the provisions relating to the subscribing to his oath and giving of bond and security for his faithful performance of duty of councilman.

Section 2. That each of the four wards in said city shall have two councilmen with alternating terms, each of which councilmen shall be chosen by the qualified electors of his ward, and no person shall be eligible for the office of councilman who, at the time of his election, is not an actual resident of the ward from which he was elected, his office shall become vacant; provided however, that nothing herein shall be construed as disqualifying a councilman from his office for the remainder of the term for which he was elected in the case and event where the governing body, upon redefining the boundaries of wards of said city, shall place the councilman's residence outside of the ward from which he was elected.

Section 3. (a) There shall be elected on the first Tuesday in April, 2005, a councilman from each of the four wards for a term of four years. On the first Tuesday in April, 2007, there shall be a councilman elected from each of the four wards for a term of four years. On the first Tuesday in April in each odd numbered year thereafter a councilman from each of the four wards shall be elected for a term of four years.

(b) On the first Tuesday in April, 2007, a mayor shall be elected for a term of four years and the first Tuesday in April every four years thereafter a mayor shall be elected for a term of four years.

(c) Each councilman and the mayor currently serving in their respective office shall continue in office until such times as their position stands for election pursuant to the schedule set forth in this charter ordinance regardless of when their term is presently scheduled to end.

Section 4. Whenever there shall be a tie vote in the election of a councilman or mayor the tie vote shall be determined by lot by the canvassing board of the City of Augusta, Kansas, at its regular canvassing meeting following the annual city election.

Section 5. All vacancies occurring in the office of city councilmen for the City of Augusta, Kansas, whether such vacancies occur by reason of the removal of a councilman from his ward or by his death, resignation, the failure of a councilman to qualify for office, or the disqualification of a councilman for the holding of such office shall be filled by an election held among the remaining members of the city council of said city, and such election must be held at the next regular meeting of the governing body of said city or at a special meeting called thereto for the purpose of filling such vacancy or at an adjournment or continuance of such regular or special meeting. Any successor in office elected by the governing body to fill such vacancy must be elected by a majority of the remaining councilmen of said city, and should the remaining councilmen of said city fail to elect a successor in office for the vacancy in office of councilman after being polled three times by the mayor, or in his absence, the president of the council of said city, shall appoint

a qualified person from the ward in which said vacancy exists to fill such expired term. In the event that any person so elected by the remained members of the council or appointed by the mayor or president of the council in the manner set forth above should refuse, fail or neglect to qualify for such office by taking or subscribing to his oath for a period of 30 days following such election or appointment, as the case may be, then and in that event the mayor said city shall appoint another qualified person to fill such vacancy.

Section 6. That, upon the election or appointment of a councilman to fill the vacancy as hereinbefore described in Section 5 of this ordinance the city clerk of said city shall issue a certificate of office to such person appointed or elected to fill such vacancy, and such certificate shall be mailed by the city clerk to the residence of such person within the City of Augusta, Kansas.

Section 7. That nothing herein shall be construed as rendering invalid any act of the governing body of said city, or during the period of time between the appointment or election of a councilman to fill an unexpired term and prior to his qualification by his taking and subscribing the oath within the time herein above specified.

Section 8. All councilmen elected or appointed under the provisions of this ordinance shall take and subscribe to oath for the faithful performance of their duties within 30 days after such appointment or election, and the council of said city may hereafter by resolution or ordinance require all councilmen of the city to give uniform bonds or security for the faithful performance of their duties.

Section 9. Charter Ordinance No. 8 of the City of augusta is hereby repealed.

Section 10. This charter ordinance shall be published once each week for two (2) consecutive weeks in the official newspaper.

Section 11. This charter ordinance shall take effect sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed and a referendum is held on the ordinance as provided in Article 12, Section 5(c)(3), of the Constitution of the State of Kansas, in such case the ordinance shall become effective if approved by a majority of the electors voting thereon. (9-15-2003)

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

**A CHARTER ORDINANCE OF THE CITY OF AUGUSTA, KANSAS EXEMPTING THE CITY OF AUGUSTA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1693(a) AND K.S.A. 12-1697(a) AND PROVIDING FOR SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE LEVY OF A TRANSIENT GUEST TAX FOR TOURISM AND CONVENTIONS AND EXEMPTING SAID CITY FROM THE PROVISIONS OF K.S.A. 12-1695 AND 12-16,101 AND PROVIDING FOR SUBSTITUTE PROVISIONS ON THE SAME SUBJECT RELATING TO THE NUMBER OF MEMBERS TO BE APPOINTED TO THE CONVENTION AND TOURISM COMMITTEE AND REPEALING CHARTER ORDINANCE 11.**

Section 1. That the City of Augusta, Kansas, a second class city, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and does exempt itself and make inapplicable to said City the provisions of K.S.A. 12-1693(a) and K.S.A. 12-1697(a) relating to the levy of a transient guest tax of tourism and conventions, and does make itself exempt from and make inapplicable to said city the provisions of K.S.A. 12-1695 and

K.S.A. 12-16, 101 relating to the appointment and number of members to a convention and tourism committee. Such reference provisions are either enactments or parts thereof which are applicable to the City but are not applicable uniformly to all cities.

Section 2. In order to provide for revenues to promote tourism and conventions, the City of Augusta hereby levies a transient guest tax at a rate not to exceed five percent (5%) upon the gross receipts derived from and paid directly or through an accommodations- broker by transient guests for sleeping accommodations, exclusive of charges incidental services or facilities, in any hotel, motel or tourist court. The percentage of such tax shall be determined by the Governing Body fo said City and shall be specified in a resolution or ordinance authorizing the levy of such tax.

Section 3. The Governing Body of the City of Augusta shall establish a convention and tourism committee to make recommendations concerning the programs and expenditures for promotion of conventions and tourism consisting of nine (9) members to be appointed by the Governing Body. The membership of this committee shall have two (2) members who are either owners, operators or employees of persons engaged in the hotel or motel business within said City; two (2) members who represent agencies or organizations that are actively engaged in promoting tourism, or from facilities or organizations of historic or cultural attraction within the City; one (1) representative of the Augusta Chamber of Commerce; and four (4) representatives of the general public. The Governing Body shall provide, by resolution, for the appointment and terms of service not to exceed four (4) years for such members. The City of Augusta shall have the authority to contract for convention and tourism programs to be implemented within the City.

Section 4. Charter Ordinance No. 11 of the City of Augusta is hereby repealed.

Section 5. This charter ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

Section 6. This charter ordinance shall take effect sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed and a referendum is held on the ordinance as provided in Article 12, Section 5(c)(3), of the Constitution of the State of Kansas, in such case the ordinance shall become effective if approved by a majority of the electors voting thereon. (9-15-2008)