

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE EXEMPTING THE CITY OF FOWLER, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1220, RELATING TO THE LEVY OF TAXES FOR THE LIBRARY; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOWLER, KANSAS:

**SECTION 1:** The City of Fowler, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 12-1220, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

**SECTION 2:** The City of Fowler, Kansas hereby provides the following substitute and additional provisions in place thereof (modifications to the statutory language in italics):

The governing body of any municipality may by resolution, and shall, upon presentation of a petition signed by ten percent (10%) of the qualified electors of such municipality determined upon the basis of the total vote cast for the secretary of state at the last preceding general election, cause to be submitted to the voters of such municipality at the first local or general election thereafter, or if the petition so requires, at a special election called for that purpose, the question of the establishment and maintenance of a library by such municipality. If a majority of the votes cast at such election on such proposition shall be in the affirmative, the governing body shall forthwith establish such library and is hereby authorized to and shall annually levy a tax for the maintenance and employee benefits of such library in such sum as the library board shall determine within the limitations fixed by law, *but in no event shall the amount of such levy exceed 14 mills*, and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

Such tax shall be levied and collected in like manner as other taxes of the municipality and, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be kept in a separate fund to be known as the library fund of such municipality. If the territory of the municipality includes another municipality which is then maintaining a library, the proposition to establish a library by the larger municipality shall not be voted upon by the residents of the included municipality, nor shall a levy to establish or maintain such library be assessed against property therein, unless the library board and governing

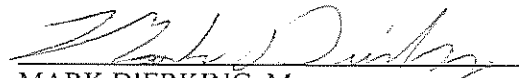
body of the included municipality shall give notice in writing that they desire to participate in the library to be established and to pay the tax for the establishment and maintenance thereof as other parts of the municipality establishing such library.

**SECTION 3:** 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 Ordinance shall be invalid.

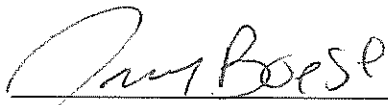
**SECTION 4:** This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**SECTION 5:** This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by the majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 19 day of October, 2020.

  
MARK DIERKING, Mayor

ATTEST:

  
JAMIE BOESE, City Clerk

I, Jamie Boese, City Clerk of the City of Fowler, KS, hereby verify and state that the foregoing is a true and correct original ordinance; that the record of final passage is found on page     , volume "      " of the journal; that it was published in the Meade County News, the official paper on October 28, 2020