

## **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**

CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS, FROM SECTION 15-201 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949, AND SECTION 15-210 OF THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, PROVIDING FOR THE ELECTION OF MAYOR, POLICE JUDGE AND FIVE COUNCILMEN, TIE VOTE, THEIR TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTION.

(Superseded by C.O. No. 3)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS FROM K.S.A. 15-7809 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. That the City of DeSoto, Kansas, is a city of the third class and by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and exempts itself from and makes inapplicable to it K.S.A. 15-709 as to the same applies only to cities of the third class, and to provide substitute and additional provisions as hereinafter set out.

Section 2. K.S.A. 15-709 is now applicable to cities of the third class and is as follows:

“That whenever the governing body of any city of the third class shall issue bonds to pay the cost of work for which special assessments are authorized to be levied, the governing body may include in the special assessments and in the bonds sold to pay the special assessments, the following costs and expenses: The actual cost of engineering and legal services; the actual cost of supervision and inspection; the cost and damages incurred in the condemnation of land; the expenses of legal publications, advertising and printing of bonds; the interest accrued on borrowed money during the period of construction, and the amount of any liability incurred as damages, unless covered by insurance; provided, that in no case shall the costs and expenses so added exceed 15 percent of the contract price of the work.”

Section 3. The City of Desoto, Kansas, does hereby substitute the following section in lieu of K.S.A. 15-709:

“That whenever the governing body of any city of the third class shall issue bonds to pay the cost of work for which special assessments are authorized to be levied, the governing body shall include in the special assessments and in the bonds to be sold to pay the special assessments, the following costs and expenses: The actual cost of engineering and legal services; the actual cost of supervision and inspection; the cost and damages incurred in the condemnation of land; the expenses of legal publications, advertising and printing of bonds; the interest accrued on borrowed money during the period of construction, cost of issuing temporary notes, and the amount of any liability incurred as damages, unless covered by insurance, appraisers’ fees, cost of spreading assessments, court costs, certificates of title and abstracts; provided, in no case shall any costs for said work and improvement be chargeable to the general fund of said city, and the total cost shall be chargeable to the city of the project and improvement and assessed as provided by law.”

(7-7-66)

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

CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS, FROM SECTION 44 of HB NO. 1709, OF THE 1968 SESSION OF THE KANSAS LEGISLATURE, WHICH SECTION AMENDED K.S.A. 1967 SUPP. 15-201, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION OF MAYOR AND COUNCILMEN, THEIR TERMS OF OFFICE, AND THE FILLING OF VACANCIES AND AMENDING ANY ORDINANCE AND/OR CHARTER ORDINANCE OF SAID CITY TO CONFORM TO THE PROVISIONS HEREOF.

Section 1. The City of DeSoto, Kansas, by the power invested 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 Section 44 of House Bill No. 1709, of the 1968 session of the Kansas Legislature and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory section is applicable to this city but is not applicable uniformly to all cities.

Section 2. The mayor and five councilmen shall constitute the governing body of the city and shall be elected for four year terms or until their successors are qualified. Those members of the governing body elected in the year 1965 shall have a term expiring in 1969. Those members of the governing body elected in the year 1967 shall have a term expiring in 1971.

Section 3. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining councilmen, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a councilman neglects or refuses to qualify within 30 days after his election, he shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining councilmen appoint some suitable elector to fill said vacancy.

(6-20-68)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE ASSESSMENT OF COSTS IN THE MUNICIPAL COURT.

(Repealed by C.O. No. 11)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS, FROM K.S.A. 15-204 AND 15-209 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE APPOINTMENT OF CITY OFFICERS, THEIR DUTIES AND COMPENSATION, THE REMOVAL OF CITY OFFICERS, THE QUALIFICATIONS OF CITY OFFICERS AND THE FILLING OF VACANCIES IN CITY OFFICES AND AMENDING ANY ORDINANCE OR CHARTER ORDINANCE OF THE CITY TO CONFORM WITH THE PROVISIONS HEREOF.

Section 1. Exemption from Statutes. The City of DeSoto, 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 the provisions of K.S.A. 15-204 and 15-209 and provide substitute and additional provisions as hereinafter set forth in this charter ordinance. Such referenced provisions are either enactments or a part thereof, which are applicable to this city but are not applicable uniformly to all cities.

Section 2. Appointment of City Officers; Duties and Compensation; Removal. The mayor, with the consent of the council, may appoint, at the first regular meeting of the governing body in May of each year, the following city officers, to-wit: A city administrator, a municipal judge of the municipal court, a clerk, a treasurer, a marshal-chief of police, policemen, street commissioner, and such other officers as deemed necessary; and may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties. The duties in pay of the various officers provided for in this section shall be regulated by ordinance except as

herein provided. A majority of all the members of the city council may remove any such officer; or, for good cause, the mayor may remove any such officer, with the consent of the council.

Section 3. Qualifications of Officers; How Vacancies Filled. The officers elected pursuant to statute or appointed under this ordinance shall be qualified electors of said city, except the city may appoint nonresidents as city administrator, city attorney, municipal judge, and as law enforcement officers when deemed necessary, including the appointment of nonresidents who also serve (in less than fulltime capacity) as city administrator, city attorney, municipal judge or law enforcement officers of another municipality or public agency; provided, that nothing herein shall authorize the appointment of nonresidents of this state. The city attorney shall be a qualified elector of the county in which said city is located or of an adjoining county. The removal from such city of any officer elected pursuant to statute or appointed under this charter ordinance, who is required to be a qualified elector thereof, shall occasion a vacancy in such office. All vacancies in office, except in the offices of mayor and council, may be filled until the next regular time for appointment by the governing body. Every appointment to office, and the date thereof, shall be entered on the journal of the proceedings of the council.

Section 4. Duties of City Administrator. The city administrator shall supervise the day-to-day operations of the city, including the office of the city clerk and the department of public works. Except as provided in this charter ordinance and subject to the limitations imposed by any other ordinance of the city, the city administrator shall be responsible for the hiring and the continued employment of all city employees. All department heads shall make regular reports to the city administrator and shall be ready at all times to furnish him or her with such information as he or she may require.

Section 5. Severability. If a court of competent jurisdiction should hold any section or part of this charter ordinance invalid, such holding shall not affect the remainder of this charter ordinance nor the context in which such section or part so held invalid may appear, except to the extent that an entire section or part may be inseparably connected in meaning and effect with that section or part. If a court of competent jurisdiction holds part of this charter ordinance invalid, or if a change in the constitution of the State of Kansas or in the statutes of Kansas of applicable federal law renders a part of this charter ordinance invalid or inapplicable, the governing body may take such appropriate action as will enable the city government to function properly. (3-3-87)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS FROM THE PROVISIONS OF K.S.A. 79-5001 THROUGH 79-5017, AND ANY AMENDMENTS THERETO.

(Repealed by C.O. No. 7)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS FROM THE PROVISIONS OF K.S.A. 79-5001 THROUGH 79-5017, AND ANY AMENDMENTS THERETO, THE KANSAS PROPERTY TAX LID LAW; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 6  
(Repealed by C.O. No. 9)

### CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS FROM THE PROVISIONS OF 1994 SUPP. K.S.A. 19-3623f AND ANY AMENDMENTS THERETO AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. Exemption from 1994 Supp. K.S.A. 19-3623f. The City of DeSoto, Kansas, 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 from, and makes inapplicable to itself, the provisions of 1994 Supp. K.S.A. 19-3623f, and amendments thereto, as said provisions apply to said city but are not uniformly applicable to all cities.

Section 2. Procedure for Detachment of Property in DeSoto from Rural Fire District. The provisions of 1994 Supp. K.S.A. 19-3623f, shall not apply to or limit the means by which the City of DeSoto may apply for detachment of territory from Rural Fire District No. 3.

Section 3. Substitute Detachment Procedure. If any land is included both within the city limits of DeSoto, Kansas, and any rural fire district created pursuant to the provisions under Chapter 19 of the Kansas Statutes Annotated, such land shall continue to be within and a part of the fire district unless approved for detachment and exclusion from the boundaries of such fire district by the Johnson County board of county commissioners.

(a) Upon Mutual Agreement. Any territory shall be detached upon execution of an agreement for detachment which shall be approved by the governing bodies of the city and fire district and the Johnson County board of county commissioners. Such agreement shall provide for the transfer of designated land to the city and also shall include the transfer of such necessary personal property of the fire district and the payment of compensation therefore.

(b) By Petition. If the city and fire district are unable to reach an agreement pursuant to subsection (a) above, the governing body of the city shall present a petition to the Johnson County board of county commissioners (BOCC) to detach such land from the fire district and provide for the transfer of any property. Upon receipt of the petition, the BOCC shall call and hold a hearing thereon.

(1) Notice. Notice of such hearing shall be published in a newspaper of general circulation in the county each week for two consecutive weeks. The final notice shall be published not less than one week and not more than two weeks before the date fixed for the hearing. A copy of the notice also shall be mailed by certified mail to the residents and governing body of the fire district and city affected by the

detachment. The cost of providing notice required by this subsection shall be paid by the city.

(2) Hearing. On the day set for the hearing, the BOCC shall hear testimony as to the advisability of the detachment of land from the fire district and the transfer of any property. The action of the BOCC shall be quasi-judicial in nature. The BOCC shall consider the impact of approving or disapproving the detachment of such land and transfer of any property. The BOCC shall make specific written findings of fact and conclusions determining whether such detachment or the detachment of a lesser amount of such area and the transfer of property causes manifest injury to the fire district, or to the city if the detachment and transfer is disapproved. The findings and conclusions shall be based upon the preponderance of evidence presented to the BOCC. In determining whether manifest injury would result from the detachment and transfer, the BOCC's considerations shall include, but not be limited to, the:

(A) Response time of the city and the fire district to the area proposed to be detached;

(B) The impact on the fire district from the decrease in its tax base if detachment is approved;

(C) the impact on the city's provision of fire service if the detachment is disapproved;

(D) The impact on the residents of the to be detached;

(E) The impact on the remainder of the fire district if the detachment is approved.

(3) Decision. The BOCC shall make its decision within 120 days after the date of the conclusion of the hearing. The BOCC may continue the hearing beyond the time specified without further publication of notice. If a majority of the BOCC concludes the proposed detachment of all or any part of the subject land should be granted and the transfer of any property; the BOCC shall so find; and thereupon such land shall be detached from the fire district and any other property shall be transferred to the city. If aggrieved by the decision of the BOCC; the fire district or the city may appeal such decision to the Johnson County District Court. When the land is detached and excluded from the fire district the governing body of the fire district shall redefine the new boundaries of the district to exclude the land so detached. All general obligation bonds issued for the acquisition or construction of fire stations or buildings, the acquisition of sites therefore and the purchase of fire fighting equipment by a fire district which are issued prior to the detachment of such land shall continue as an obligation of the property subject to taxation for the payment thereof at the time such bonds were issued.

(6-22-95)

## **CHARTER ORDINANCE NO. 9**

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS FROM THE PROVISIONS OF K.S.A. 79-5021 THROUGH 79-5036 AND ANY AMENDMENTS THERETO, THE KANSAS AGGREGATE TAX LEVY LIMITATIONS LAW; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 7.

Section 1. Exemption from Tax Lid. The City of DeSoto, Kansas, by virtue of the power vested in it by K.S.A. 1994 Supp. 79-5036 and Article 12, Section 5 of the constitution of the State of Kansas, hereby elects to exempt itself from, and makes inapplicable to itself, the provisions of K.S.A. 79-5021 through 79-5036, and amendments thereto, said provisions being commonly known as the Kansas Aggregate Tax Levy Limitations law. Said provisions apply to said city but are not uniformly applicable to all cities.

Section 2. Property Tax Aggregate Limitation Law Inapplicable. The provisions of K.S.A. 79-5021 through 79-5036, inclusive, and the provisions of this ordinance shall not apply to or limit the levy of taxes by the City of DeSoto for the payment of:

- (a) Principal and interest upon state infrastructure loans, bonds, temporary notes, no-fund warrants and payments made to a public building commission;
- (b) Judgments, settlements and expenses for protection of the city against liability to the extent otherwise authorized by law;
- (c) Employer contributions for social security, workers compensation, unemployment insurance, health care costs, employee benefit plans and employee retirement and pension programs;
- (d) City noxious weed eradication;
- (e) Special assessments charged against the city at large;
- (f) The costs incurred for law enforcement purposes, ambulance and firefighting equipment not to exceed five mills;
- (g) Expenses incurred for the first time on and after January 1, 1996, by cities in effectuating programs specifically enacted and administered for the purpose of preventing juvenile delinquency and crimes; or
- (h) Expenses incurred by the city for rebates to owners of property in connection with a neighborhood revitalization program instituted in accordance with K.S.A. 1994 Supp. 12-17,114 et seq. and amendments thereto.

Section 3. Substitute Levy Limitation. Except as modified by the provisions of Section 2(a)-(f) above, the City of DeSoto, Kansas, may not levy taxes in an amount that would exceed the aggregate levy otherwise permitted by the terms of K.S.A. 79-5021 through 79-5036, inclusive, and amendments thereto.

Section 4. Repeal. Charter Ordinance No. 7 is hereby repealed upon the effective date of this ordinance.  
(6-22-95)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS, FROM PROVISIONS OF K.S.A. 15-106, AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

Section 1. Exemption. The City of DeSoto, by virtue of the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, hereby elects to do and does exempt itself and make inapplicable to it K.S.A. 15-106 which applies to this city but does not apply uniformly to all cities.

Section 2. Regular and Special Meeting. Regular meetings of the council shall be held at such times as shall be prescribed by ordinance, but not less than once each month. Special meetings may be called by the mayor or acting mayor, on written request of any three members of the council, specifying the object and purpose of such meeting which shall be read at the meeting and recorded in the journal of minutes of the meetings of the council. In all cases it shall require four of the five councilmembers elect to constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the city council, by ordinance, may have previously prescribed. (7-11-96)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE ASSESSMENT PROVISIONS ON THE SAME SUBJECT RELATING TO THE ASSESSMENT OF COSTS IN THE MUNICIPAL COURT AND REPEALING CHARTER ORDINANCE NO. 4 OF THE CITY OF DESOTO, KANSAS.

Section 1. Exemption from Statute. The City of DeSoto, 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 and make inapplicable to it the provisions of K.S.A. 12-4112 and to provide for substitute and additional provisions.

Section 2. Court Costs. The City of DeSoto may by ordinary ordinance establish court costs to be paid involving cases in the DeSoto municipal court.

Section 3. Publication. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 4. Effective Date. This is a charter ordinance and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section, subdivision (c)(3), of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of electors voting thereon. (2-12-98)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF DESOTO, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-194; RELATING TO PROHIBITION OF CERTAIN EXCISE TAXES; AND PROVIDING A SUBSTITUTE AND ADDITIONAL PROVISION AUTHORIZING THE CITY OF DESOTO, KANSAS, TO LEVY AN EXCISE TAX ON THE ACT OF PLATTING REAL PROPERTY AND BUILDING IN THE CITY, TO GRANT CREDITS AGAINST EXCISE TAXES PAID ON THE ACT OF PLATTING REAL PROPERTY OR BUILDING PREVIOUSLY MADE FOR CERTAIN

TRANSPORTATION IMPROVEMENTS, TO GRANT EXEMPTIONS, AND TO PLEDGE THE REVENUES THEREFROM FOR TRANSPORTATION IMPROVEMENTS IN THE CITY.

Section 1. The City of DeSoto, 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 applicable to it the provisions of K.S.A. 12-194, which provisions reads as follows:

No city or county shall levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and a compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service, but the provisions of this section shall not be construed as prohibiting any city from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering or furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; or (c) levying any occupation tax or license fee imposed by such city prior to the effective date of this act. No license fee described in subsection (b) of this section shall be imposed upon any utility contracting with and subject to a charge, described in subsection (a) of this section, by such city.

Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not uniformly applicable to all cities.

Section 2. The City of DeSoto, Kansas, by the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, hereby enacts the following substitute and additional provisions in lieu of those provisions from which it is exempted pursuant to Section 1 above.

The City of DeSoto, Kansas, shall not levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service, but the provisions of this section shall not be construed as prohibiting the city from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering or furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; or (c) levying any occupation tax or license fee imposed by the city prior to the effective date of this ordinance; or (d) levying an excise tax on the act of platting and building real property in the city, granting credits against excise taxes paid on the act of platting and building real property in the city for contributions previously made for transportation improvements, granting exemptions, and pledging revenues therefrom for transportation improvement in the city.

(4-9-98)