

## **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 EXEMPTING THE CITY OF LINCOLN CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-103 AND 14-201 RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; PROVIDING FOR FOUR YEAR TERMS FOR THE MAYOR AND COUNCILMEN; STAGGERED TERMS FOR COUNCILMEN; AND PROVIDING FOR THE ELECTION OF A COUNCILMAN FROM THE CITY AT LARGE.

Section 1. That the City of Lincoln Center, Kansas, under the authority of Article XII, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it, K.S.A. 14-103 and 14-201 which apply to said city, but the provisions of which do not apply uniformly to all cities, and to provide substitute and additional provisions on the same subject.

Section 2. On the first Tuesday in April 1983, there shall be elected a mayor, two councilmen from each ward in said city, and a fifth councilman to be elected from the city at large. In each ward there shall be designated positions of councilman number 1 and councilman number 2. Those officers elected to the position of councilman number 1 and the officer elected from the city at large shall hold their offices as councilmen for a term of four years. Those officers elected to the position of councilman number 2 and the mayor shall hold their offices for a term of two years. On the first Tuesday in April 1985, and every four years thereafter, there shall be elected a councilman for the position of councilman number 2 and there shall be elected a mayor all for a term of four years. On the first Tuesday in April 1987 and every four years thereafter, there shall be elected a councilman for the position of councilman number 1 and a councilman for the city at large all for a term of four years.

Section 3. The mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, a city marshal-police chief, city clerk, city attorney, city treasurer, and may appoint policemen and such other officers as they may deem necessary. Officers so appointed and confirmed shall hold their offices for a term of one year and until their successors are appointed and qualified. The council shall by ordinance specify their duties and compensation and by ordinance may abolish any office created by them whenever they may deem it expedient. The council may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties, and provide for reasonable compensation for the services rendered. The provisions herein pertaining to the appointment of the city treasurer shall take effect at the first meeting of the governing body of the City of Lincoln Center following the city election to be held on the first Tuesday in April 1983. There shall not be a city treasurer elected at said election.

(4-13-87)

## **CHARTER ORDINANCE NO. 2**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LINCOLN CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 25-2108 a, RELATING TO THE HOLDING OF PRIMARY ELECTIONS WITHIN SAID CITY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS THERETO.

Section 1. The City of Lincoln Center, Kansas, under authority of Article 12, Section 5, of the Constitution of the State of Kansas, hereby exempts itself from, and make inapplicable to it, the provisions of K.S.A. 25-2108a which applies to the said city, but the provisions of which do not apply uniformly to all cities, and providing substitute and additional provisions on the same subject, as hereinafter provided.

Section 2. Regardless of the number of candidates who have filed for election for any city office, there shall be no necessity of a primary election, and every person who has filed for any city office shall be listed on the ballot and shall be voted on by the voters at the general election of city officers, to be held on the first Tuesday in April. The person from among the candidates who receives the largest number of votes at such general election shall be declared the winner of said election.  
(4-13-87)

## **CHARTER ORDINANCE NO. 3**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LINCOLN CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-1952 INSOFAR AS IT PERTAINS TO THE RATE OF LEVY FOR LIBRARY PURPOSES AND SUBSTITUTING AN ADDITIONAL RATE OF LEVY THEREFORE.

Section 1. The City of Lincoln Center, Kansas, by the power vested in said city 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. 79-1952, which is not applicable uniformly to all cities of the State of Kansas, insofar as said statute pertains to the maximum rate of levy for library purposes and to provide as substitution an additional rate of levy for library purposes as hereinafter set out.

Section 2. The provisions of K.S.A. 79-1952 shall not apply or limit the levy of taxes by the City of Lincoln Center, Kansas, for library purposes.

Section 3. The governing body of said city is hereby authorized and empowered to levy taxes in each year for the general fund and other city purposes, but said governing body shall not fix a rate of levy upon each dollar of assessed tangible valuation for such city for library purposes in excess of 4.00 mills.  
(3-14-88)

## **CHARTER ORDINANCE NO. 4**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LINCOLN CENTER, KANSAS, FROM K.S.A. 79-5001 TO 79-5017, INCLUSIVE, AND ANY AMENDMENTS THERETO.

Section 1. The City of Lincoln Center, 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. 79-5001 to K.S.A. 79-5017, inclusive, and any amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.

Section 2. The provisions of K.S.A. 79-5001 to 79-5017, inclusive, and any amendments thereto, shall not apply to any taxes levied by the city.  
(5-9-88)

## **CHARTER ORDINANCE NO. 5**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LINCOLN CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 1994 SUPP. 12-4112; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR MUNICIPAL COURT PROCEDURE, MORE SPECIFICALLY THE IMPOSITION OF COURT COSTS.

Section 1. That the City of Lincoln Center, 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. 1994 Supp. 12-4112 which provision applies to said City, but which does not apply uniformly to all cities, and to provide substitute and additional provisions on the same subject.

Section 2. Municipal Court Costs. In lieu of K.S.A. 12-4112, the governing body of the City of Lincoln Center, Kansas, hereby adopts the following provisions:

In each Municipal Court case where the accused person is found guilty, enters a plea of guilty or a plea of no contest, or forfeits a bond, such person shall be assessed costs for the administration of justice in the Municipal Court of the City of Lincoln Center, Kansas, and such costs shall be determined by ordinance. In addition thereto, the Municipal Judge of the City of Lincoln Center, Kansas, is authorized and empowered to assess witness fees and mileage as permitted and allowed pursuant to K.S.A. 12-4112 and K.S.A. 12-4411. The Municipal Judge is also authorized and empowered to make the additional assessments referred to in K.S.A. 1994 Supp. 12-4112 including the assessments provided for in K.S.A. 1994 Supp. 12-4116 and 12-4117.  
(10-9-95)

## **CHARTER ORDINANCE NO. 6**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LINCOLN CENTER, KANSAS FROM THE PROVISIONS OF K.S.A. 12-631K, AS AMENDED BY CHAPTER 107, SECTION 1, 2004 SESSION LAWS OF KANSAS, AND K.S.A. 12-860, AS AMENDED BY CHAPTER 107, SECTION 2, 2004 SESSION LAWS OF KANSAS RELATING TO THE ESTABLISHMENT OF UTILITY CHARGES, THE BILLING AND COLLECTION OF THE SAME AND THE ESTABLISHMENT OF A LIEN AGAINST THE PROPERTY SERVED.

Section 1. The City of Lincoln Center, Kansas, by 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 it the provisions of K.S.A. 12-631k, as amended by Chapter 107, Section 1, 2004 Session Laws of Kansas, and K.S.A. 12-860, as amended by Chapter 107, Section 2, 2004 Session Laws of Kansas, and K.S.A. 14-569, as amended by Chapter 107, Section 3, 2004 Session Laws of Kansas which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

(7-12-04)

## **CHARTER ORDINANCE NO. 7**

A CHARTER ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A RECREATION PROGRAM AND RECREATION COMMISSION FOR THE CITY OF LINCOLN CENTER, KANSAS; THE APPOINTMENT OF MEMBERS THEREOF; PRESCRIBING THE TERMS OF MEMBERS AND DEFINING DUTIES AND POWERS OF SAID COMMISSION; PROVIDING FOR THE APPOINTMENT OF A RECREATION DIRECTOR; PROVIDING FOR FUNDING FROM THE GENERAL FUND OF THE CITY AS A CITY GOVERNMENT FUNCTION AND FOR RECEIPT OF FUNDS AND USE OF RECREATION FACILITIES AS DETERMINED BY OTHER GOVERNMENTAL ENTITIES AND VOLUNTARY CONTRIBUTIONS FROM ORGANIZATIONS AND INDIVIDUALS; AND EXEMPTING THE CITY OF LINCOLN CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1922 THROUGH 12-1934 AS AMENDED RELATING TO THE ESTABLISHMENT OF RECREATION SYSTEMS WITHIN THE CITY.

Section 1. Creation of a Recreation Commission. There is hereby created a Recreation Commission for the City of Lincoln Center, Kansas.

Section 2. Appointment of Members and Terms. The Recreation Commission shall consist of seven (7) members to be appointed as follows: Four (4) members shall be appointed by the Mayor and confirmed by the City Council with the first two appointees to serve four (4) years, the third appointee shall serve three (3) years and the fourth appointee to serve two (2) years with the fifth member to be recommended in writing by the Lincoln County Commissioners and appointed by the Mayor to serve a term of two (2) years, the sixth member to be recommended in writing by the Board of Education of U.S.D. 298, Lincoln, Kansas, and appointed by the Mayor to serve a term of two (2) years, and the seventh member to be recommended in writing by the Board of Education of U.S.D. 299, Sylvan Grove, Kansas, and appointed by the Mayor to serve a term of two (2) years. Thereafter members of said Commission shall be selected in the same manner as the member he or she is succeeding and their term of each shall be four (4) years, except the terms of the members recommended by the Lincoln County Commissioners, the Board of Education of U.S.D. 298 and the Board

of Education of U.S.D. 299 shall be two (2) years. In the case of an appointment to fill a vacancy in an unexpired term the appointment shall be for the remainder of the unexpired term. The first and succeeding Commission members shall be appointed at the first meeting of the governing body of the City in January beginning in the year 2008. In the absence of a written recommendation from the Lincoln County Commissioners, U.S.D. 298 or U.S.D. 299 having been received by the Mayor by the date of the first meeting of the governing body of the City in January of any year in which appointments are to be made the Mayor with the confirmation of the City Council shall appoint said members. The City Clerk shall not less than sixty (60) days prior to the January meeting in which appointments are to be made send a reminder notice to make recommendation and a recommendation form to the Board of County Commissioners c/o County Clerk, and to each school board c/o of the clerk of each Board..

Section 3. Recreation Director. The Recreation Commission shall at its first meeting appoint a Recreation Director who shall serve at the pleasure of and under the direction of the Recreation Commission. The Recreation Director's salary shall be established and paid by the governing body of the City of Lincoln Center from funds provided for under Section 4 of this ordinance.

Section 4. Funding. Funding of the Recreation Director's salary and other expenses of operation of the Recreation Commission shall be derived as necessary from the general fund of the City of Lincoln Center as a normal city government function. The City is also authorized to receive and utilize such funds as are determined by and contributed to the City for Recreation Commission purposes from Lincoln County or other governmental entities including in-kind utilization of recreational facilities made available to the Recreation Commission. The City is further authorized to accept and utilize funds and in-kind contributions for recreation purposes from organizations and individuals within the community.

Section 5. Recreation Commission Duties. The Recreation Commission so appointed shall organize and coordinate recreational activities as it deems necessary to meet the needs of the community. Participation in recreational activities shall not be limited to residents of the City of Lincoln Center and may include residents of other cities within Lincoln or other counties and rural residents within Lincoln County and other counties. Participation fees, if established by the Recreation Commission, shall, insofar as the residence of the participant is concerned, be uniform among all participants. Activities shall be tailored to the needs of all age groups and should include both athletic and non-athletic recreation. The Commission's responsibilities are intended to maximize utilization of all city facilities and utilization of any other facilities available from school, church and private sources. The Commission shall interact with and assist in coordination of recreation with other organizations within the community.

Section 6. Officers of Recreation Commission. The Commission members shall appoint a chairman and secretary each year. The Chairman or Secretary shall report attendance of members for each regularly scheduled and special meeting. Any member failing to attend three (3) consecutive regular meetings without an excused absence shall be considered as disqualified hereunder and shall be replaced to serve the remainder of the unexpired term.

Section 7. Reports, Meetings. In addition to the regularly scheduled meetings, the Recreation Commission shall meet on call and as frequently as deemed necessary to adequately respond to its duties and responsibilities. Minutes shall be kept of all meetings by the Secretary of the Commission and a copy shall be filed and maintained in the office of the City Clerk.

(7-9-07)