

CHARTER ORDINANCE NO. 21

A CHARTER ORDINANCE OF THE CITY OF ABILENE, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758(a) AND K.S.A. 12-1767 RELATING TO PUBLIC BUILDING COMMISSIONS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND LIMITING ISSUANCE OF PUBLIC BUILDING COMMISSION REVENUE BONDS TO AN AMOUNT NOT TO EXCEED \$18,000,000 FOR CONSTRUCTING, EQUIPPING AND FURNISHING CERTAIN HOSPITAL FACILITIES OF HOSPITAL DISTRICT NO. 1, DICKINSON COUNTY, KANSAS OPERATED AS ABILENE MEMORIAL HEALTH SYSTEM.

WHEREAS, the governing body of the city of Abilene, Kansas (the "City) is authorized by Article 12, § 5 of the Kansas Constitution to determine its local affairs and government and to elect by charter ordinance that the whole or any part of a statutory enactment applicable to the City but not uniformly applicable to all cities shall not apply to the City; and

WHEREAS, K.S.A. 12-1758(a) and K.S.A. 12-1767 are part of the Kansas Public Building Commission Act (K.S.A. 12-1757 *et seq.*), which is a statutory enactment that applies to the City but does not apply uniformly to all cities, and the City finds and determines it necessary and advisable to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758(a) and K.S.A. 12-1767 and to provide substitute provisions for such statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS AS FOLLOWS:

Section 1. Exemption from Statute. Pursuant to Article 12, §5 of the Kansas Constitution, the City hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758 (a) and K.S.A. 12-1767.

Section 2. Enactment of Substitute Provisions for K.S.A. 12-1758 (a). The following provisions are enacted in substitution for K.S.A. 12-1758 (a):

The City, by ordinance, may create a public building commission for the purpose of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, and for purchasing or otherwise acquiring any such building or buildings or facilities. Such building or buildings or other facilities shall be maintained and operated for the housing and accommodation of the affairs and activities of the City, a school district, a county, a federal agency, or other governmental agency or political subdivision that is doing business, maintaining an office or rendering a public service within Dickinson County, Kansas; including, specifically, Hospital District No. 1, Dickinson County, Kansas (commonly known as Abilene Memorial Health System).

Section 3. Enactment of Substitute Provisions for K.S.A. 12-1767. 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. 10-1201 *et seq.*, and amendments thereto, except to the extent that such statutes are in conflict with the Public Building Commission Act and this Charter Ordinance. The issuance of any such revenue bonds shall not be subject to any petition or protest.

The principal amount of revenue bonds issued by a public building commission created by the City to finance buildings and facilities for the housing and accommodation of the affairs and activities of Hospital District No. 1, Dickinson County, Kansas (commonly known as Abilene Memorial Health System), and as described in plans and specifications submitted to the City concurrently with this Charter Ordinance, shall not exceed \$18,000,000.

Section 4. Effective Date; Voter Approval. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper. This Charter Ordinance shall become effective only after it has been approved by a majority of the electors of the City voting thereon at an election to be called for that purpose. Upon its effective date this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of State of the state of Kansas.

PASSED AND APPROVED by two-thirds majority of the governing body of the City of Abilene, Kansas on January 10, 2011.



CITY OF ABILENE, KANSAS

By Diane Miller
Diane Miller, Mayor

ATTEST:

By Penny Soukup
Penny Soukup, City Clerk