

CHARTER ORDINANCE NO. 26

A CHARTER ORDINANCE OF THE CITY OF ABILENE, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 79-41a04(d), AND PROVIDING SUBSTITUTE PROVISIONS CONCERNING THE EXPENDITURE AND USE OF LOCAL ALCOHOLIC LIQUOR FUNDS.

WHEREAS, the City of Abilene, Kansas receives funds from the State of Kansas local alcoholic liquor fund pursuant to K.S.A. 79-41a04;

WHEREAS, the use and expenditure of the funds deposited in the City's special alcohol and drug program fund is governed by the provisions of K.S.A. 79-41a04(d);

WHEREAS, the provisions of K.S.A. 79-41a04(d) governing alcohol and drug program funds has been the subject of differing interpretations, including interpretations limiting the appropriate use of such funds; and

WHEREAS, the governing body desires to clarify and amend the possible uses for funds in the special alcohol and drug program fund to better reflect the priorities and needs of the community as the governing body determines. SO, NOW THEREFORE,

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

Section 1. Election to Exempt. The City of Abilene, 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 and make inapplicable to it K.S.A. 79-41a04(d) concerning the expenditure and use of local alcoholic liquor funds. K.S.A. 79-41a04(d) applies to the City of Abilene, Kansas but does not apply uniformly to all cities in the State of Kansas.

Section 2. Substitute Provisions. Pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, the governing body hereby adopts the following language as substitute provisions for K.S.A. 79-41a04(d):

Except as otherwise provided, the city treasurer, upon receipt of any moneys distributed by the State of Kansas pursuant to K.S.A. 79-41a04, and amendments thereto, shall deposit the full amount in the city treasury and shall credit 1/3 of the deposit to the general fund of the city, 1/3 to a special parks and recreation fund in the city treasury and 1/3 to a special alcohol and drug programs fund in the city treasury. Moneys in such special funds shall be under the direction and control of the governing body of the city. Moneys in the special parks and recreation fund may be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drug programs fund shall be expended on such programs, services, equipment, personnel, and capital expenditures as the governing body may from time to time determine is in the best interest of the public to address one or more of the following:

- (a) Prevention of alcoholism and drug abuse, including but not limited to education, counseling, public informational efforts and related activities;
- (b) Alcohol and drug detoxification efforts and related activities;
- (c) Intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers;
- (d) Law enforcement, prosecution, court activities and programs, or portions thereof, related to apprehending, prosecuting, adjudicating or monitoring individuals who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers, including individuals who are or may be charged with violating laws related to alcohol or drug use;
- (e) Education, counseling, public information efforts, and related and associated activities related to preventing drug abuse and alcohol abuse, including but not limited to efforts to encourage healthy youth and family development and related efforts which include as a partial element drug abuse and alcohol abuse education, counseling, or public information efforts;
- (f) Programs, activities, or efforts related to preventing or intervening in drug abuse and alcohol abuse, including programs, activities, or efforts for which drug abuse and alcohol abuse prevention or intervention comprises a partial element of the complete program, activity or effort; or
- (g) Any program, activity, or effort, or a portion thereof, that the governing body determines seeks to discourage, prevent, intervene, or address issues related to alcohol or drug abuse. The appropriation of funds by the governing body for such a program, activity, or effort shall be conclusive of compliance with provisions of this ordinance, and separate findings shall not be required.

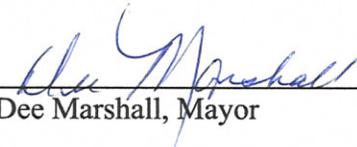
In determining compliance with the provisions of this ordinance, the appropriation of funds by the governing body for personnel, services, programs, facilities or capital expenditures shall be conclusive of compliance with provisions of this ordinance and separate findings shall not be required.

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 Charter Ordinance shall take effect 61 days after final publication, unless a sufficient petition is filed and a referendum held on the ordinance as provided in Article 12, Section 5(c) of the Kansas Constitution, in which case the ordinance shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas by not less than two-thirds of the members elect voting in favor thereon, this 24th day of April, 2017.

CITY OF ABILENE, KANSAS

By: 
Dee Marshall, Mayor



[SEAL]
ATTEST:


Penny L. Soukup, CMC, City Clerk