

ORDINANCE NO. 1497

AN ORDINANCE AUTHORIZING AND CALLING FOR AN ELECTION ON THE QUESTION OF WHETHER CHARTER ORDINANCE NO. 22 SHALL TAKE EFFECT FOR THE CITY OF MARION, KANSAS.

WHEREAS, on or about July 25, 2022, the City of Marion Governing Body passed by a two-thirds majority vote Charter Ordinance No. 22 which was first published in the Marion County Record on August 3, 2022; and

WHEREAS, on October 5, 2022, a petition signed by at least ten percent (10%) of the number of electors who voted at the last preceding regular city election was filed with the City Clerk of the City of Marion, Kansas; and

WHEREAS, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, an election shall be called within thirty (30) days and shall be held within ninety (90) days after the filing of the Petition.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MARION, KANSAS:

SECTION I. The City Council hereby calls a city-wide election on the 20th day of December, 2022.

SECTION II. This election shall be conducted as elections for officers and by the officers handling such elections.

SECTION III. The full language of the ballot proposition shall be as follows:

Explanatory Statement:

Marion City Charter Ordinance 22 would exempt the City of Marion from the provisions of K.S.A. 14-570 and K.S.A. 14-571 and would implement the following substitute and additional provisions:

Whenever the City Manager/City Administrator has filed with the Governing Body a master capital improvements plan (the "Plan") for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness heretofore created for public improvements, and which Plan may require a number of years to execute, and such Plan is approved by the Governing Body, the City is hereby authorized to issue its general obligation bonds (the "Bonds") in an amount sufficient to carry out such Plan and associated costs.

Before any Bonds are authorized or issued pursuant to this Charter Ordinance, the City shall adopt a resolution specifying the amount of such Bonds and the purpose of the issuance thereof. Such resolution may contain a provision that the issuance of the Bonds

be subject to: (a) publication of the resolution one time in the official City newspaper; (b) publication of the resolution one time in the official City newspaper, and if within 30 days after the date of publication of the resolution, a petition in opposition to the issuance of the Bonds, signed by not less than 10% of the qualified electors of the City, is filed with the City Clerk, the City shall not have the authority to issue the Bonds until such question is submitted to the electors of the City at a special election called for that purpose or at the next general election and approved by a majority of the electors of the City voting at such election; or (c) approval by a majority of the electors of the City voting on such question at a special election called for that purpose or at the next general election. If no such written protest is filed pursuant to **subsection (b)**, the City may proceed to issue the Bonds. Any election required by this section shall be conducted in the manner set forth in K.S.A. 10-120 by the election officer of the county in which the City is located.

A "YES" vote is a vote TO ALLOW Charter Ordinance 22 to take effect.

A "NO" vote is a vote NOT TO ALLOW Charter Ordinance 22 to take effect.

Question Submitted:

"Shall charter ordinance No. 22, entitled A Charter Ordinance Exempting the City of Marion, Kansas from the Provisions of K.S.A. 14-570 and K.S.A. 14-571 and Providing Substitute and Additional Provisions on the Same Subject Relating to Public Improvements and the Issuance of Bonds for the Purpose of Paying for Said Improvements take effect?"

YES

NO

SECTION IV. This ordinance shall be published once each week for three consecutive weeks in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body of the City of Marion, Kansas on this 27th day of October, 2022.


DAVID MAYFIELD, Mayor

ATTEST:


TIFFANY JEFFREY, City Clerk

(SEAL)