

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 GALENA, KANSAS, FROM THE PROVISIONS OF THE LAST PARAGRAPH OF K.S.A. 1971 SUPP. 14-103 AND ALL OF K.S.A. 1971 SUPP. 14-201; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND TO THE TERMS OF SAID OFFICES.

(Repealed by C.O. NO.7)

CHARTER ORDINANCE NO.2

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS, FROM THE PROVISIONS OF CERTAIN REQUIREMENTS OF K.S.A. 1973 SUPP. 14-1502; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE RESIDENCE REQUIREMENT OF APPOINTIVE OFFICES.

(Repealed by C.O. NO.5)

CHARTER ORDINANCE NO.3

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS, FROM THE PROVISIONS OF THE REQUIREMENTS OF K.S.A. 1974 SUPP. 12-4112; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE ASSESSMENT OF COURT COSTS.

(Repealed by C.O. No. 2000-14)

CHARTER ORDINANCE NO.4

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS FROM THE PROVISIONS OF K.S.A. 1979 SUPP. 75-1120a RELATING TO FIXED ASSET MUNICIPAL ACCOUNTING.

Section 1. The City of Galena, Kansas, a city of the second class, 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.

1979 Supp. 75-1120a, which applies to the City of Galena, but the provisions of which do not apply uniformly to all cities and to provide additional provisions on the same subject.

Section 2. K.S.A. 1979 Supp. 75-11 20a is hereby made inapplicable to the City of Galena and the following substitute and additional provisions are adopted on the same subject:

Except as hereinafter provided, the City of Galena, Kansas shall utilize accounting procedures and fiscal procedures in the preparation of financial statements and financial reports that conform to generally accepted accounting principles as promulgated by the national committee on governmental accounting and the American institute of certified public accountants and adopted by rules and regulations of the municipal accounting board. Provided, nothing herein shall require or be interpreted to require, the city to adopt any sort of fixed asset accounting procedure.

(09-01-81)

CHARTER ORDINANCE NO.5

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

(Repealed by C.O. No.7)

CHARTER ORDINANCE NO.6

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 5 WITH THE REPEALING OF SECTIONS 3 AND 4 OF CHARTER ORDINANCE NO. 5, AS PROVIDED UNDER K.S.A. 14-201 AND 14-1502.

(Repealed by C.O. No.7)

CHARTER ORDINANCE NO.7

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1005c RELATING TO THE TERM OF COMMISSIONERS IN CITIES OF 8,000 OR LESS, K.S.A. 14-101 TO 14-310 RELATING TO THE MAYOR AND COUNCIL FORM OF GOVERNMENT, K.S.A. 14-204; RELATING TO ELIGIBILITY OF APPOINTED OFFICERS AND EMPLOYEES, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS; ADOPTING PROVISIONS RELATING TO THE COMMISSION- MANAGER FORM OF GOVERNMENT; REPEALING CHARTER ORDINANCE NUMBERS 1, 5, AND 6.

Section 1. The City of Galena by virtue of the powers 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 K.S.A. 14-101 to 14-310, K.S.A. 12-

1005c, K.S.A. 14-1204, and K.S.A. 14-1502, which apply to the City, but are part of enactments which do not apply uniformly to all cities.

Section 2. The City of Galena hereby adopts the Commission-Manager form of government.

Section 3. The Governing Body shall consist of three city commissioners who shall be elected as follows. Upon the first Tuesday in April of the year 1999, and upon the first Tuesday in April of every odd-numbered year thereafter, there shall be held a city election for the election of new commissioners or expiring commission seats as herein set forth. Two commissioners shall be elected to hold office until the regular city election in 2003, one commissioner shall be elected to hold office until the regular city election in 2001, all of which commissioners shall be elected at the next regular city election in 1999. The two persons receiving the largest number of votes as said election shall be designated as the commissioners to fill the initial four year terms, and the person receiving the third highest vote total as said election shall fill the two year term. Thereafter all commissioners will be elected to four year terms. All commissioners shall be elected at large.

Section 4. Charter Ordinance Number 1, Charter Ordinance Number 5, which was passed on June 21, 1988, and Charter Ordinance Number 6 of the City of Galena are hereby repealed and of no further force and effect.

Section 5. No person shall be eligible to any appointive office unless he or she shall be a bona fide resident of the city or of the territory within a ten (10) mile radius of such city prior to his or her appointment, except that the city may hire nonresident expert employees or appoint nonresidents as municipal judge, city attorney, or as law enforcement officers when deemed necessary by the board of commissioners, including the appointment of nonresidents of another municipality or public agency. Nonresidents of the State of Kansas may be appointed as expert employees. Expert employees shall be defined to include the appointed offices of the Municipal Judge, the City Attorney, and the City Engineer or such other positions requiring specialized expertise as shall be defined by and deemed necessary by the board of commissioners.
(05-08-98)

CHARTER ORDINANCE NO.8

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-1302 PERTAINING TO THE MAYOR OR COMMISSIONER HOLDING OTHER OFFICE.

Section 1. The City of Galena, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby specifically elects to and does exempt itself and make inapplicable to it K.S.A. 14-1302 which applies to this city, but is part of an enactment which does not apply uniformly to all cities. The subject matter of this Article relates to the mayor or commissioners holding another office the compensation of which was fixed by the commission while he or she was a member of the commission.

Section 2. This exemption shall remain in effect for three calendar years commencing from the time that said charter ordinance becomes effective under applicable Kansas Statutory requirements. Upon the expiration of the aforesaid three calendar year period this charter ordinance shall be no longer of any effect. (07-08-98)

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-1302 PERTAINING TO THE MAYOR OR CITY COMMISSION MEMBER HOLDING OTHER OFFICE.

Section 1. Whereas the City of Galena, Kansas by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby specifically elects to and does exempt itself from and make inapplicable to it the provisions of K.S.A. 14-1302 which applies to this city, but is part of an enactment which does not apply uniformly to all Kansas cities. The subject matter of this Article relates to the mayor or commissioners holding another office the compensation for which was fixed by the commission while he or she was a member of the Commission.

Section 2. The City of Galena, Kansas does hereby provide the following substitute provision on the subject as set forth in Section 1 herein, to wit:

(A) A mayor or commissioner may be elected to or appointed to any office created by the commission while he or she was a member, if the member resigns from their commission seat or office prior to accepting the elected or appointed office, or is no longer serving on the commission or as mayor.

(B) A mayor or commissioner may be elected or appointed to any office where the commission established the compensation for the office, while he or she was a member of said commission or mayoral office, if the member resigns from their commission seat or office prior to accepting the new elected or appointed office or is no longer serving on the commission.

(C) Should any member of the city commission or mayor resign or leave the service as either a commission member or mayoral office, and should they accept any other elected or appointed office, they may be compensated for same in a manner and amount as set forth by the governing board so electing or appointing said person.

(09-23-99)

CHARTER ORDINANCE NO. 10

A CHARTER ORDINANCE VACATING THE PROVISIONS AND THE LANGUAGE OF CHARTER ORDINANCE #7, SECTION 3 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE NUMBER OF COMMISSIONERS THAT SHALL COMPRISE THE CITY COMMISSION OF THE CITY OF GALENA, KANSAS: THE CURRENT COMMISSION CONSISTING OF THREE COMMISSIONERS ELECTED AT LARGE SHALL BE ENLARGED TO A FIVE COMMISSIONER GOVERNING BODY ELECTED IN THE SAME

MANNER; FURTHER, PROVISIONS BEING MADE CONCERNING THE ELECTION OF SAID TWO NEW COMMISSIONERS AND THE TERM OF THEIR OFFICE.

Section 1. The City of Galena, by virtue of the powers vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby exercises its Home Rule Powers.

Section 2. The City of Galena, has, by previous Charter Ordinance Number 7, adopted the Commission-Manager form of government and all such sections and provisions thereof are hereby preserved except as provided for herein.

Section 3. The City of Galena, hereby vacates the language of the previous Charter Ordinance number 7, Section 3 and provides substitute and additional language replacing said Section 3; such replacement language and provisions being contained in this Charter Ordinance Number 10 Section 4; as follows.

Section 4. (a) The Governing Body of the City of Galena, Kansas, a commission / manager city of the Second Class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, shall be enlarged from three commissioners to five commissioners, effective and for the purposes of a special election to fill the newly created offices of two additional commissioners, which shall be held in the year 1999. The special election to fill the two newly created commission offices shall be held as soon as is practicable and shall be called by County Clerk of Cherokee County, Kansas within his discretion as provided for by Kansas Statute. Those three commissioners elected during the regular election held upon the first Tuesday in April of 1999 shall hold four year terms and those two elected during the special election shall hold terms of less than two years during the first term of the two newly created commission seats. Those newly created and duly elected two commission seats shall be open and subject to a vote of the electorate during the next general election to be held upon the first Tuesday of April, 2001 and those two commissioners elected thereupon shall hold office for a period of four years commencing with the first regularly scheduled commission meeting following the first Tuesday in April of that year. Thereafter, and upon the first Tuesday in April commencing in 2001 and upon the first Tuesday in April of every odd-numbered year thereafter, there shall be held a city election for the election of new commissioners or expiring commission seats as herein set forth. Thereafter all commission office terms shall be for a period of four years commencing with the first regular meeting of the commission in April following the first Tuesday in April following their said election in odd numbered years. In case of a vacancy in the offices of commissioner occurring by reason of resignation, death or removal from office, or from the city, the mayor, by and with the consent of the majority of the remaining commissioners shall appoint a suitable elector of the city to fill the vacancy until the next election for that office.

(b) There shall be a primary of city commissioners on the Tuesday preceding by four (4) weeks the first Tuesday in April of every year the City of Galena, Cherokee County, Kansas has city election, except as otherwise provided for in subsection (C) of this section.

(c) primary one (1) or more persons will be eliminated as candidates for office. In the event there are not more than (2) candidates for anyone office, the

names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.

(d) Alter qualification of the new commissioners at the first regular meeting in April following the first Tuesday of April of said election year of a city election where members of said commission are elected, a mayor shall be selected on the first regular meeting following the first Tuesday in April every year on, from and after the first so scheduled meeting in April, 1999. The mayor so selected shall serve as such for two (2) years. The mayor shall, prior to the termination of the meeting of his selection shall designate and appoint the other members of the commission to the following offices: (i) the Commissioner of Finance; (ii) the Commissioner of Roads and Streets; (iii) the Commissioner of the Police and Fire Departments and the Parks. The Commissioners so appointed shall serve until their successors are qualified and elected as shall the mayor.

(03-15-99)

CHARTER ORDINANCE NO. 11

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

Section 1. The City of Galena, Kansas under the authority of Article 12, Section 5, of the Constitution of the State of Kansas, hereby exempts itself from, and makes inapplicable to it, the provisions of K.S.A. 25-2108a, which applies to 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, as herein provided. This charter ordinance shall supersede any and all prior charter ordinances relating to the subject herein.

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 or special election of city officers, commissioners or other city office, to be held on the first Tuesday in April of that year or upon the date set by the Cherokee County Clerk for any special election. The person from among the candidates who receives the largest number of votes at such general or special election shall be declared the winner of said election. If there is more than one officer or commissioner to be elected, the persons from among the candidates receiving the largest number of votes at such general or special election shall be declared the winners of said election and in descending order, each seat or office shall be filled by those persons receiving the largest number of votes.

(07-26-99)

CHARTER ORDINANCE NO. 2000-14

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS FROM THE PROVISIONS OF K.S.A. 12-4112 RELATING TO THE ASSESSMENT OF COSTS FOR ADMINISTRATION OF JUSTICE IN ANY MUNICIPAL COURT CASE AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS THERETO.

Section 1. The City of Galena, Kansas under the authority of Article 12, Section 5(c), of the Constitution of the State of Kansas, hereby exempts itself from and makes inapplicable to it, the provisions of K.S.A. 12-4112, pertaining to costs for the administration of justice, which applies to 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 by City Ordinance.

Section 2. That the Court costs shall be assessed against the accused person in any City of Galena, Kansas Municipal Court Case, where the accused person pleads guilty, no contest, or nolo contendere, is found guilty or is offered and enters into a diversion agreement with the Galena City Attorney, as prosecutorial representative of the City of Galena, Kansas.

Section 3. That the costs assessed by the Galena, Kansas Municipal Court shall be assessed pursuant to the Kansas Statutes Annotated, and amendments thereto and by City Ordinances made and provided by the Governing Body of the City of Galena, Kansas, and amendments thereto.

Section 4. This ordinance is a charter ordinance and hereby repeals and supersedes all or all such portions of any prior charter ordinances as shall address the subjects contained herein. Charter Ordinance Number 99-12 of the City of Galena, Kansas is hereby specifically repealed.
(02-07-00)

CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE AMENDING THE PROVISIONS AND THE LANGUAGE OF CHARTER ORDINANCE NUMBER 10, SECTION 4(d) AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE TERM OF MAYOR OF THE CITY OF GALENA, KANSAS. SAID TERM TO BE REDUCED FROM THE CURRENT TWO (2) YEAR TERM AND TO BE REDUCED TO A ONE (1) YEAR TERM.

Section 1. The City of Galena has by previous Charter Ordinances 7 and 10 adopted the Commission-Manager form of government and all sections and provisions thereof are hereby preserved except as provided herein.

Section 2. The City of Galena, Kansas hereby vacates the language of the previous Charter Ordinance Number 10, Section 4 (d) and provides substitute and additional language replacing said Section 4 (d); such replacement language and

provisions being contained in this Charter Ordinance Number 12 Section Number 3 as follows:

Section 3. "(d) After qualification of the new commissioners at the first regular meeting in April following the first Tuesday of April of said election year of a city election where members of said commission are elected, a mayor shall be selected on the first regular meeting following the first Tuesday in April of an election year. The mayor so selected shall serve as such for a one (1) year term. When the term of the mayor expires on a non-election year, the Commissioners shall choose one of their member as mayor on the first regularly scheduled meeting in the month of April. The Mayor shall, prior to the adjournment of the meeting of his/her selection, designate and appoint the other members of the commission to the following offices: (i) Commissioner of Finance; (ii) Commissioner of Roads and Streets; and (iii) Commissioner of the Police, Fire Departments and Parks. The Commissioners so appointed shall serve until their successors are qualified and elected, as shall the mayor."
(10-20-03)

CHARTER ORDINANCE NO. 16

A CHARTER ORDINANCE RAISING THE QUORUM OF THE GALENA, KANSAS CITY COMMISSION TO FOUR (4) MEMBERS FROM THE CURRENT THREE (3).

Section 1. The City of Galena, Kansas, by virtue of the powers vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby exercises its Home Rule Powers in opting out of those provisions of K.S.A. 14-1308 regarding the requirement of a majority of the Board of Commissioners as a Quorum for the transaction of business.

Section 2. The City of Galena has by previous Charter Ordinances, 7 and 10 adopted the Commission-Manager form of government and all sections and provisions thereof are hereby preserved except as provided herein.

Section 3. That the City shall raise the requirement for quorum to four (4) members of the Board of Commissioners for purposes of transacting City business.
(11-97-03)

CHARTER ORDINANCE NUMBER 17

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS, FROM ALL OF THE FOLLOWING PROVISIONS OF THE KANSAS STATUTES ANNOTATED, AS FOLLOWS, 12-1615, 12-16,128, 14-601c, 14-602, 14-604, 14-605, 14-606, 14-607, 14-608, 14-609, 14-610, 14-611, 14-612, 14-613, 14-614, 14-618, 14-633, 14-634, 14-635, 14-640d, 14-641, 14-644, 14-645, 14-646, 14-647, 14-648, 14-649, 14-650, 14-651, 14-652, 14-652a, 14-654, 14-654a, 14-655, 14-656, 14-658, 14-659, 14-660, 14-661, 14-662, 14-663, 14-663a, 14-663b, 14-

665, 14-666, 14-667, 14-668, 14-669, 14-670, 14-671, 14-672, 14-673, 14-674, 14-675, 14-676, 14-677, 14-677a, 14-678, 14-679, 14-680, 14-682, 14-683, 14-684, 14-685, 14-686, 14-687, 14-688, 14-690, 14-691, 14-692, 14-693, 14-694, 14-695, 14-696, 14-697, 14-698, 14-699, 14-6,100, 14-6,101, 14-6,102, 14-6,103, 14-6,104, 14-6,105, 14-6,107, 14-6,108, 14-6,109, 14-6,110, 14-6,111, 14-6,112, 14-6,113, and 14-6,114, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATIONS OF A HOSPITAL BY A CITY, THE FORMATION AND COMPOSITION OF THE BOARD OF TRUSTEES OF A HOSPITAL, THE TERMS OF THE BOARD OF TRUSTEES, AND RELATED MATTERS.

Section 1. Statutes Rendered Inapplicable. The City of Galena, Kansas, by virtue of the powers 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 all of the following provisions of the Kansas Statutes Annotated, as follows, 12-1615, 12-16,128, 14-601c, 14-602, 14-604, 14-605, 14-606, 14-607, 14-608, 14-609, 14-610, 14-611, 14-612, 14-613, 14-614, 14-618, 14-633, 14-634, 14-635, 14-640d, 14-641, 14-644, 14-645, 14-646, 14-647, 14-648, 14-649, 14-650, 14-651, 14-652, 14-652a, 14-654, 14-654a, 14-655, 14-656, 14-658, 14-659, 14-660, 14-661, 14-662, 14-663, 14-663a, 14-663b, 14-665, 14-666, 14-667, 14-668, 14-669, 14-670, 14-671, 14-672, 14-673, 14-674, 14-675, 14-676, 14-677, 14-677a, 14-678, 14-679, 14-680, 14-682, 14-683, 14-684, 14-685, 14-686, 14-687, 14-688, 14-690, 14-691, 14-692, 14-693, 14-694, 14-695, 14-696, 14-697, 14-698, 14-699, 14-6,100, 14-6,101, 14-6,102, 14-6,103, 14-6,104, 14-6,105, 14-6,107, 14-6,108, 14-6,109, 14-6,110, 14-6,111, 14-6,112, 14-6,113, and 14-6,114, and provides substitute and additional provisions as hereinafter set forth in this Charter Ordinance. These statutes apply to the City of Galena, Kansas, but are part of enactments which do not apply uniformly to all cities.

Section 2. Authority to Establish Hospital. The City of Galena, Kansas and its Governing Body shall have the authority to establish, develop, own, lease, manage and/or operate a hospital, as defined under K.S.A. 65-425 and any amendments thereto, and shall have the authority to establish or designate one or more separate entities or other bodies to establish, develop, own, lease, manage and/or operate such hospital. Without limiting the generality of the foregoing, the City of Galena, Kansas, its Governing Body, and any separate entity or other body so established or designated shall have the authority to enter into and/or accept assignment of any and all agreements, leases and other contracts with third parties relating to the establishment, development, ownership, leasing, management and/or operation of such hospital. If the City of Galena, Kansas and/or its Governing Body establishes or designates a separate entity or other body to establish, develop, own, lease, manage and/or operate such hospital, such entity or other body shall have the authority to act and contract independently in its own name, and shall be excepted from Kansas' cash basis statutes to the greatest extent not prohibited by law. The following provisions of this Charter Ordinance shall govern the business, operations and affairs of such hospital.

(9-4-12)

CHARTER ORDINANCE NUMBER 18

A CHARTER ORDINANCE AMENDING SECTION 9 OF CHARTER ORDINANCE 17 RELATING TO SPENDING AND FISCAL AUTHORITY OF THE CITY-OPERATED HOSPITAL.

Section 1. Section 9 of Charter Ordinance 17 of the City of Galena, Kansas, shall be amended to state as follows:

“Section 9. Limitations on Authority. Unless approved by the Board of Trustees, no officer nor the Chief Executive Officer shall do any of the following on behalf of the Board or the Hospital in any single transaction or in one or more related transactions:

- (a) Enter into any agreement involving the expenditure of, or incur any indebtedness, in excess of \$75,000.
- (b) Make any capital or noncapital expenditures in excess of \$75,000.
- (c) Sell or otherwise dispose of any of its assets having a value in excess of \$75,000.
- (d) Enter into any agreement resulting in the change of control of the Hospital, its assets or operations.
- (e) Perform any other act or thing which this Charter Ordinance requires to be approved, consented to or authorized by the Board of Trustees.”

(12-17-12)