

(Published in the *Leavenworth Times* on August 11, 2016 and August 18, 2016)

**CHARTER RESOLUTION NO. 2016-1**

**A CHARTER RESOLUTION EXEMPTING LEAVENWORTH COUNTY, KANSAS, FROM THE PROVISIONS OF K.S.A. 68-584 RELATING TO THE FINANCING OF PRIMARY AND SECONDARY ARTERIAL HIGHWAYS AND PROVIDING SUBSTITUTE PROVISIONS RELATING THERETO.**

**WHEREAS**, K.S.A. 19-101 to 19-101c, inclusive, as amended (the “Act”) provide that counties may exercise certain home rule powers, including adopting charter resolutions which exempt such counties from acts of the Kansas Legislature as long as such powers are not limited as provided in the Act; and

**WHEREAS**, Leavenworth County, Kansas (the “County”) is a county as defined in the Act, duly created and organized under the laws of the State of Kansas (the “State”); and

**WHEREAS**, K.S.A. 68-584 (the “Existing Statute”) is part of an enactment of the Kansas legislature (K.S.A. 68-580 *et seq.*) relating to designating, improving and financing of primary and secondary arterial highways within the County, which is applicable to the County but is not uniformly applicable to all counties within the State; and

**WHEREAS**, the governing body of the County (the “Board”) desires, by charter resolution, to exempt the County from the provisions of the Existing Statute and to provide substitute and additional provisions therefor; and

**WHEREAS**, such proposed action is not restricted or limited by the provisions of the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS:**

**SECTION 1. Exemption.** The County, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of the Existing Statute and shall be governed by the following substitute and additional provisions contained herein.

**SECTION 2. Issuance of Bonds to Pay Costs of Improvements to Primary and Secondary Arterial Highways.** If the Board determines that any of the costs incurred or to be incurred by the County in carrying out the provisions of K.S.A. 68-581, 68-582 and 68-583, and amendments thereto, in relation to any street, road or highway, should be paid by moneys derived from the issuance of general obligation bonds of the County (the “Bonds”), the Board may issue the Bonds for such purpose or purposes. The Bonds shall be authorized by resolution of the Board and may include projects involving one or more streets, roads and highways.

The Board may provide that the resolution authorizing the Bonds be published one time in the official County newspaper, in which case such resolution shall become effective upon such publication. The resolution may contain a provision that if within 30 days after the date of publication of the resolution, a petition in opposition to the resolution, signed by not less than 5% of the electors of the County, is filed with the County Clerk, the County shall not have the authority to issue the Bonds until such question is submitted by the election officer of the County to the electors of the County at an election called for that purpose or at the next general election. As an alternative to the foregoing, the

resolution may require that the County shall not have the authority to issue the Bonds until such question is submitted by the election officer of the County to the electors of the County at an election called for that purpose or at the next general election. Any such election shall be conducted in the manner set forth in K.S.A. 10-120.

The Bonds shall be issued, sold, delivered and retired in accordance with the provisions of the general bond law. Bonds issued hereunder shall not be subject to or be included in computing limitations upon bonded indebtedness of the County prescribed under the provisions of article 3 of chapter 10 of the Kansas Statutes Annotated and amendments thereto.

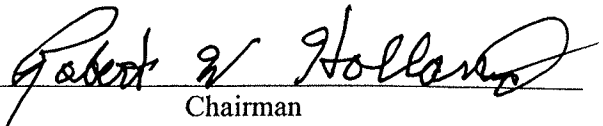
**SECTION 3. Severability.** If any provision or section of this charter resolution is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this charter resolution. This charter resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**SECTION 4. Effective Date.** This charter resolution shall be published once a week for two consecutive weeks in the official County newspaper and shall take effect sixty (60) days after final publication unless a petition signed by a number of electors of the County equal to not less than two percent (2%) of the number of electors who voted at the last preceding November general election or one hundred electors, whichever is greater, shall be filed in the office of the County Clerk demanding that this charter resolution be submitted to a vote of the electors, in which event the charter resolution shall take effect when approved by a majority of the electors voting at an election held for such purpose.

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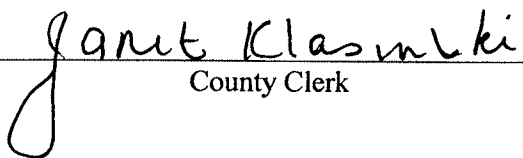
ADOPTED by the Board of County Commissioners of Leavenworth County, Kansas, on AUGUST 8, 2016.

(Seal)

  
Chairman

ATTEST:

  
Commissioner

  
County Clerk

  
Commissioner

APPROVED AS TO FORM:

  
County Counselor