

Chapter 135

DEPARTMENTS, COMMISSIONS AND COMMITTEES

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Section 135.005. Exemption From K.S.A. 12-1758, 12-1763 And 12-1767 Relating To Public Building Commissions And Revenue Bonds.

[Charter Ord. No. 29, 11-6-2017]

A. Exemption — K.S.A. 12-1758. The City, by the power vested in it by the Act, hereby elects to continue to exempt itself from, and make inapplicable to it, the provisions of K.S.A. 12-1758 and does hereby provide the following substitute and additional provisions in place thereof:

(A) The City, by appropriate ordinance, may create a Public Building Commission for the purposes 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, or for purchasing or otherwise acquiring such building or buildings or facilities. Such building or buildings or facilities shall be maintained and operated for: (i) a County courthouse; (ii) the housing and accommodation of County offices or County business; (iii) City offices, service facilities, and City recreational facilities, including, but not limited to, libraries, fire stations, police stations, municipal courthouses, utility facilities, swimming pool facilities, community buildings, and educational facilities; (iv) school district recreational facilities, including a swimming pool facility; and (v) such other purposes as are commonly carried on in connection with such facilities or in County courthouses and general City buildings, including administrative offices for school districts

and housing, accommodations and parking facilities for offices of State and Federal agencies.

(B) A Public Building Commission created by the City may acquire land and facilities adjacent to or near any educational institution under the supervision and control of the State Board of Regents or may acquire by lease, land and facilities constituting a part of the campus of any such institution. Any Public Building Commission may construct, reconstruct, equip and furnish such facilities on such land and lease such land and facilities to the official governing body of such institution. Any such lease entered into shall pledge the net revenue from such land and facilities. Any County may pledge such funds as may be necessary from those which are provided to be paid over to such institution from a special levy authorized for such purpose under K.S.A. 19-117, and amendments thereto. The governing body of such County is hereby authorized to designate any surplus from such tax levy as may be necessary to guarantee the rentals under any such lease, and such County is hereby exempted from the provisions of K.S.A. 10-1101 to 10-1122, inclusive, and 79-2925, and amendments thereto, to the extent necessary to enable such County to make a covenant to effect such guarantee.

B. Exemption — K.S.A. 12-1763. The City, by the power vested in it by the Act, hereby elects to exempt itself from, and make inapplicable to it, the provisions of K.S.A. 12-1763 and does hereby provide substitute and additional provisions in place thereof as follows:

The City and/or Public Building Commission shall have the authority to rent all or any part of its buildings or other facilities to any non-profit corporation organized under the laws of this State or any Federal, State, City or County governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body policy, or agency thereof, school district, community college, or other educational institution under the supervision and control of the State Board of Regents, doing business, maintaining an office or rendering a public service in the County seat or County in which the commission was organized and to rent any space as may not be needed by such governmental agencies for such service facilities as such Public Building Commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities.

C. Exemption — K.S.A. 12-1767. The City, by the power vested in it by the Act, hereby elects to continue to exempt itself from, and make inapplicable to it, the provisions of K.S.A. 12-1767 and does hereby provide substitute and additional provisions in place thereof as follows:

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 K.S.A. 12-1757 et seq., as modified by this Charter Ordinance. Before any revenue bonds are authorized or issued under the provisions of K.S.A. 12-1757 et seq., as modified by this Charter Ordinance, the Public Building Commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof. Such resolution shall be published once a week for two (2) consecutive weeks in the official City newspaper or in a newspaper having general circulation in the County if the lease is with a County or school district.

Section 135.010. Creation.

[Ord. No. 1032 §1, 12-1-1997]

There is hereby created by the Council, under the authority of the Act, a municipal corporation to be known as the City of Mulvane, Kansas Public Building Commission (the "PBC").

Section 135.020. Composition.

[Ord. No. 1032 §2, 12-1-1997; Ord. No. 1321 §1, 3-2-2009]

The PBC shall be composed of six (6) members (the "members") who shall be the same persons as are then serving as Mayor and Council members on the Governing Body of the City. The members of the PBC shall serve terms simultaneous with their terms as members of the City's Governing Body. The members shall serve without compensation but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties. The members may from time to time appoint a Chairperson, Vice Chairperson and Secretary of the PBC. Initially, and unless otherwise selected, the Chairperson shall be the City's Mayor, the Vice Chairperson shall be the President of the Council and the Secretary and Assistant Secretary shall be the City Clerk and any Deputy City Clerk, respectively. In the event that the PBC should provide for buildings or structures that are to be leased to governmental entities other than the City, the composition of the PBC shall be modified, as necessary, to conform to the requirements of the PBC Act.

Section 135.030. Purpose, Powers and Functions.

[Ord. No. 1032 §3, 12-1-1997]

The PBC is created for the purpose of, and shall have the powers and shall perform the functions set forth in, the Act, as may be amended from time to time by Statute or charter ordinance. The Council, by subsequent ordinance, shall have the authority to limit the purposes, powers and/or functions of the PBC.

Section 135.040. Support Services.

[Ord. No. 1032 §4, 12-1-1997]

Unless otherwise approved by the Council, the City Administrator and other City staff will provide administrative services to the PBC, the City's bond counsel and the City Attorney shall provide legal services to the PBC and the City's financial advisor shall provide financial advisory services to the PBC.

Section 135.050. Further Action.

[Ord. No. 1032 §5, 12-1-1997]

The PBC shall have the authority to adopt by-laws and resolutions or take other official actions not inconsistent with the provisions of this Article and the Act.

Section 135.060. Severability.

[Ord. No. 1032 §6, 12-1-1997]

If any provision of this Article is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidation shall not affect any other provision of this Article. This Article shall be enforced and construed as if such illegal or invalid provision had not been contained herein.