

A charter ordinance exempting the City of Derby, Kansas, from K.S.A. 79-5011; providing substitute and additional provisions on the same subject; and authorizing the levying of taxes to create a special fund for the purpose of paying employee benefit costs, utility service costs, parks system maintenance costs, and street reconstruction and maintenance cost.

Be It Ordained by the Governing Body of the City of Derby:

SECTION 1. The City of Derby, Kansas, 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. 79-5011, and to provide substitute and additional provisions as hereinafter set forth in this Charter Ordinance. K.S.A. 79-5011 is a part of an enactment of the legislature applicable to this City but not applicable uniformly to all cities.

SECTION 2. The provisions of K.S.A. 79-5011 to 79-5016, inclusive, shall not apply to or limit the levy of taxes by the City of Derby for the payment of:

- (a) Principal and interest upon bonds and temporary notes;
- (b) No-fund warrants issued with the approval of the State Board of Appeals;
- (c) Legal judgments rendered against the City;
- (d) Special assessments charged against the City at large;
- (e) Employee benefits costs;
- (f) Utility service costs, whether paid from a separate property tax levy fund of the City or from any other tax supported fund;
- (g) Parks system maintenance costs;
- (h) Street reconstruction and maintenance cost, whether paid from a separate property tax levy fund of the City or from any other tax supported fund.

SECTION 3. The provisions of Article 50 of Chapter 79 of the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Derby, levied under the provisions of K.S.A. (40-2305*), (74-4920*), (74-4967*), or to any tax levies required for the payment of employer contributions to any pension and retirement program, or to any other taxes authorized by state law to be levied in addition to or exempt from the aggregate levy limitation of the City of Derby.

Amounts produced from any specified or authorized in this Charter Ordinance, including any levy or purpose authorized to be levied in addition to or exempt from the aggregate levy limit of the City, shall not be used in computing any aggregate limitation under Article 50 of Chapter 79 of the Kansas Statutes Annotated.

SECTION 4. The City of Derby is hereby authorized to levy a tax for the purpose of paying the City's share of employee benefits costs. As used in this Charter Ordinance, "employee benefits costs" shall include payments made by the City for employee benefits, exclusive of any salary, wages, or other direct payments to such employees, as may be prescribed by ordinance of the governing body.

SECTION 5. The City of Derby is hereby authorized to levy a tax for the purpose of paying utility service costs. As used in this Charter Ordinance, "utility service costs" shall include payments made by the City to a water, electric or natural gas system, company or utility for the purpose of obtaining street lighting or traffic control signals, or for the lighting, heating, cooling or supplying of water or energy to any City building or facility or for the operation or performance of any function or service by the City including fire hydrant rental.

SECTION 6. The City of Derby is hereby authorized to levy a tax for the purpose of paying cost of maintaining parks system. As used in this Charter Ordinance, "park system maintenance cost" shall include payments made by the City to improve and maintain the parks and pool, including the City's cost for salaries, equipment, materials and commodities necessary for maintenance and improvements to the Park System.

SECTION 7. The City of Derby is hereby authorized to levy a tax for the purpose of paying street maintenance and reconstruction costs. As used in this Charter Ordinance, "street and reconstruction cost" shall include the City's cost for materials and commodities for services necessary for the repair and improvements of streets within the City of Derby.

SECTION 8. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

SECTION 9. This Charter Ordinance shall take effect sixty-one (61) days after its final publication, unless a sufficient petition for a referendum is filed and a referendum

held on the ordinance as provided in Article 12, Section 5, Sub-section (c) (3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, the 7th day of June, 1983.



MAYOR

ATTEST:



CITY CLERK