

## CHARTER ORDINANCE NO. 35

### **A CHARTER ORDINANCE OF THE CITY OF CANEY, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1222 RELATING TO CITY LIBRARY BOARDS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO.**

**WHEREAS**, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act") provides that cities may exercise certain home rule powers, including adopting charter ordinances which exempt such cities from the acts of the Kansas Legislature; and

**WHEREAS**, the City of Caney, Kansas (the "City") is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas (the "State"); and

**WHEREAS**, K.S.A. 12-1222 is a part of an enactment of the Kansas Legislature relating to the city libraries and library boards, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State; and

**WHEREAS**, the governing body desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1222, and to provide substitute and additional provisions therefor in order to provide for the composition of the library board in the City.

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

**SECTION 1. Exemption-K.S.A. 12-1222.** 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. 12-1222 and does hereby provide the following substitute and additional provisions in place thereof:

**Composition of City Library Board.** (a) The library board shall consist of five (5) members, two (2) of whom shall be residents of the city. The remaining three (3) members shall be 'at-large' and shall reside within the area defined by the geographical boundary of Unified School District No. 436. Members shall be appointed by the city council for terms of four (4) years. No person who has been appointed for two (2) consecutive four (4) year terms shall be eligible for further appointment to such board until two (2) years after the expiration of the second term. Vacancies occasioned by removal from the city (or USD 436 as to the 'at-large' member), resignation or otherwise, shall be filled by appointment for the unexpired term.

(b) In addition to the appointed members, the mayor shall serve as an ex-officio member of the library board, but shall have no vote on the board.

(c) A member who shall be absent from three (3) consecutive regular meetings shall forfeit his or her position on the board, unless the absences are excused by the board.

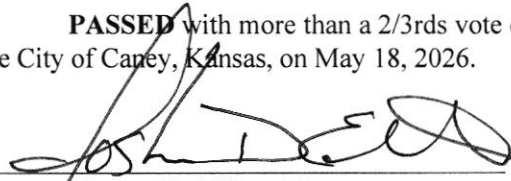
(d) The library board may adopt bylaws to govern its policies and procedures, so long as the bylaws are not in conflict herewith.

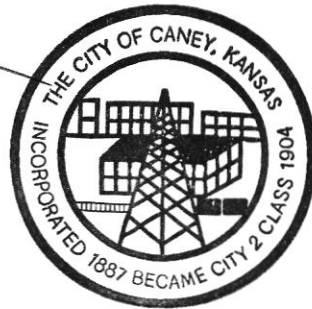
**SECTION 2. Repeal.** Charter Ordinance No. 35, and any other ordinances in conflict with this Charter Ordinance, or parts thereof, are hereby repealed.

**SECTION 3. Severability.** In the event any provision or section of this Charter Ordinance 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 Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**SECTION 4. Effective Date.** The City Clerk is directed to cause this Charter Ordinance to be published once a week for two (2) consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk, demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose in accordance with the provisions of the Act.

**PASSED** with more than a 2/3rds vote of the entire governing body, and **SIGNED** by the Mayor of the City of Caney, Kansas, on May 18, 2026.

  
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Joshua D. Elliott, Mayor



ATTEST:

  
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Adam Lanter, City Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of Charter Ordinance No. 35 of the City of Caney, Kansas, adopted by the governing body on May 18, 2026, as the same appears of record in my office.

Dated: May 18, 2026

  
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Adam Lanter, City Clerk