

## CHARTER ORDINANCE NO. CO-05-08 and CHARTER RESOLUTION NO. CR-01-08

A charter ordinance and charter resolution relating to the establishment of a Unified Government Park System; exempting the Unified Government from the provisions of K.S.A. 19-2853, 19-2854, 19-2855, 19-2855a, 19-2856, 19-2857, and 19-2858, relating to the establishment and operation of the Wyandotte County Board of Park Commissioners; relating to the creation of the Unified Government Board of Park Commissioners; creating in the general fund of the Unified Government an account to be known as the Unified Government Parks and Recreation Account; and repealing Charter Ordinance No. CO-2-98 and Charter Resolution No. CR-2-98, as amended by Charter Ordinance No. CO-4-01 and Charter Resolution No. CR-1-01, of the Unified Government of Wyandotte County/Kansas City, Kansas; and repealing Wyandotte County Charter Resolution No. 1-1982.

BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

**Section 1.** The Unified Government of Wyandotte County/Kansas City, Kansas, by the power vested in it by article 12, section 5, of the Constitution of the State of Kansas, and Section 19-101a of the Kansas Statutes Annotated, hereby elects to exempt itself and make inapplicable to it the provisions of K.S.A. 19-2853, 19-2854, 19-2855, 19-2855a, 19-2856, 19-2857, and 19-2858, and to provide substitute and additional provisions as hereinafter set forth in this Charter Ordinance and charter resolution. The statutes referenced above are either enactments or a part of an enactment which are applicable to the Unified Government but are not applicable uniformly to all cities and counties.

**Section 2.** The Unified Government hereby establishes a Unified Government Park System, which shall consist of all former Wyandotte County parks and recreation areas; all former City of Kansas City, Kansas parks and recreation areas; and all parks and recreation areas acquired, dedicated, or created by the Unified Government following consolidation of Wyandotte County and the City of Kansas City, Kansas. For purposes of this Charter Ordinance and charter resolution, "parks and recreation areas" includes all parkways, lakes, roads, drives, improvements, fixtures, buildings, grounds, and structures located within such parks and recreation areas.

**Section 3.** The Unified Government hereby establishes a Unified Government board of park commissioners (hereinafter the "board"), which commissioners shall not be any of the elected officers or otherwise employees of the Unified Government.

**Section 4.** The mayor/CEO and the Unified Government commissioners shall each nominate one resident of the Unified Government to serve on the board, for a total of 11 members, and such nominations shall be approved by a majority vote of the board of commissioners. Each public school district within Wyandotte County shall nominate one non-voting member of the board, and such nominations shall be approved by a majority vote of the board of commissioners.

**Section 5.** Requirements for terms of office, filling vacancies, attendance at meetings, forfeiture of office, compensation, notice of appointments, meetings, and appointment of chairpersons shall be as set out in article XI of chapter 2 of the Code of Ordinances.

**Section 6.** The Board shall be vested with authority and control relating to the use and operation of Unified Government parks and recreation areas, which shall include all parkways, lakes, roads, drives, improvements, fixtures, buildings, grounds, and other structures located with such parks and recreation areas, subject to unrestricted review and amendment by the board of commissioners. It shall have the power to make bylaws and to adopt rules and regulations for the orderly transaction and management of its business. The board shall have no authority or control over park personnel, which are under the exclusive authority and control of the county administrator.

**Section 7.** Purchasing of goods and services for the use and operations of the Unified Government parks and recreation areas shall be done through purchasing procedures established by the Unified Government and shall be under the authority of the county administrator and the parks and recreation director.

**Section 8.** The board of commissioners shall have power, upon recommendation of the board, to adopt or decline to adopt regulations for the orderly government of parks and recreation areas and to prescribe fines and penalties for the violation of the provisions of such regulations.

**Section 9.** The board shall establish a procedure to incorporate and utilize citizen advocacy groups and organizations in a strategic planning process to determine how to maximize the beneficial enjoyment of the parks and recreation areas by the citizens of Wyandotte County.

**Section 10.** No property located on Wyandotte County Lake may be sold, leased, developed, or otherwise used for commercial hotel purposes unless: (a) an election approving such sale, lease, development, or use has been authorized by resolution which has been adopted by the board of commissioners; and (b) such sale, lease, development, or use is approved by a majority

of the qualified electors of the county voting thereon at any city, county, or school district election or elections encompassing all qualified electors of the county. Any such election shall be called and held in the manner provided by the general election law or the general bond law.

**Section 11.** The county administrator shall be responsible for appointing a director of parks and recreation, who shall be the executive officer of the board. The director shall be under the authority and supervision of the county administrator and shall manage, superintend, and control all parks and recreation areas located within all Unified Government parks and recreation areas. The director shall employ such personnel as necessary for the efficient management of the parks and recreation areas subject to the authority of the county administrator. The county administrator shall establish the rates of compensation for the director and all park and recreation personnel.

**Section 12.** The director shall recommend to the county administrator such number of employees as the director deems necessary to become sworn law enforcement officers to enforce the laws of the state and the Unified Government and Parks and Recreation Regulations. The county administrator shall cause to be employed as law enforcement officers with full law enforcement authority throughout the Unified Government. The sworn officers authorized by this section shall receive compensation as provided by the Unified Government.

**Section 13.** The director shall make an annual report to the board of commissioners of the board's proceedings, including a detailed statement of its expenditures, showing the financial conditions of all affairs under its control.

**Section 14.** There is hereby created in the general fund of the Unified Government an account to be known as the Unified Government Parks and Recreation Account. All moneys raised from taxes for parks and recreation purposes shall be credited to this account. All moneys raised as the result of contracts, leases, concessions, gifts, or otherwise in the operation of the Unified Government parks and recreation areas shall be credited to this account. The Board shall meet each year for the purpose of preparing the parks and recreation budget, which budget shall be submitted to the county administrator on a date annually established by the county administrator. The board of commissioners shall review such budget and may approve or change it and cause such ad valorem levy to be made as provided by law. All travel requests by board members shall be approved by the board of commissioners.

**Section 15.** That Charter Ordinance No. CO-2-98 and Charter Resolution No. CR-2-98, Charter Ordinance No. CO-4-01 and Charter Resolution No. CR-1-01 of the Unified Government of Wyandotte County/Kansas City, Kansas, and Wyandotte County Charter Resolution No. 1-1982 be and the same are hereby repealed.

**Section 16.** This Charter Ordinance and Charter Resolution shall be published once each week for two consecutive weeks in the official Unified Government newspaper.

**Section 17.** This is a Charter Ordinance and a Charter Resolution and shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed and a referendum held on the ordinance and resolution as provided in article 12, section 5(c)(3), of the Constitution of the State of Kansas and in K.S.A. 19-101b, in which case the ordinance and resolution shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, NOT LESS THAN TWO-THIRDS OF THE MEMBERS ELECT VOTING IN FAVOR THEREOF, THIS 31ST DAY OF JULY 2008.

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Joe Reardon, Mayor/CEO

Attest:

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Unified Government Clerk

Approved as to Form:

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United Government Counsel