

**CITY OF HAYS COMMISSION MEETING
CITY HALL, 1507 MAIN STREET, HAYS, KS
THURSDAY, MARCH 26, 2020 – 6:30 P.M.
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES**: Consider approval of the minutes from the regular meeting held on March 12, 2020. (PAGE 1)
3. **FINANCIAL STATEMENT**: Consider accepting the Financial Statement for the month of February, 2020. (PAGE 5)
4. **CITIZEN COMMENTS**: (non-agenda items).
5. **CONSENT AGENDA**: (Items to be approved by the Commission in one motion, unless objections are raised).

UNFINISHED BUSINESS

(No business to review)

NEW BUSINESS

6. **RESOLUTION ADVANCING THE STATUTORY PROCESS FOR THE HEART OF AMERICA RHID**: Adopt Resolution No. 2020-008 making certain RHID housing needs findings and determinations, advancing the statutory process for the Heart of America RHID. (PAGE 91)
7. **RESOLUTION CALLING A PUBLIC HEARING ON THE D & J LAND DEVELOPMENT TAX INCREMENT FINANCING (TIF) PROJECT PLAN**: Adopt Resolution No. 2020-009 setting a public hearing date of May 14, 2020 regarding the adoption of the D & J Land Development TIF project plan. (PAGE 147)
8. **RESOLUTION CALLING A PUBLIC HEARING ON THE D & J LAND DEVELOPMENT COMMUNITY IMPROVEMENT DISTRICT (CID)**: Adopt Resolution No. 2020-010 setting a public hearing of May 14, 2020 on the creation of the D & J Land Development CID. (PAGE 197)
9. **LEGAL NOTICE PUBLICATION AND PROPOSED CHARTER ORDINANCE ALLOWING CITY OF HAYS TO PUBLISH OFFICIAL NOTICES VIA WEBSITE**: Approve Charter Ordinance No. 29 allowing the City of Hays to publish official notices via website. (PAGE 211)
10. **PROGRESS REPORT**
11. **COMMISSION INQUIRIES AND COMMENTS**

12. EXECUTIVE SESSION (IF REQUIRED)

13. ADJOURNMENT

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 9

MEETING DATE: 3-26-2020

TOPIC:

Legal Notice Publication and Proposed Charter Ordinance Allowing City of Hays to Publish Official Notices via Website

ACTION REQUESTED:

Approve Charter Ordinance No. 29 allowing the City of Hays to publish official notices via website.

NARRATIVE:

Recently it has become more costly and difficult to publicize ordinances and other legal notices in the Hays Daily News.

K.S.A. 12-1651 requires a City to designate a newspaper to be the official city publication, however that statute is not uniformly applicable to all cities in Kansas, therefore, the City of Hays can use a charter ordinance to modify that requirement.

In an effort to make publications less costly to the taxpayers and increase publication timing and efficiency, the City Attorney along with City Staff recommend the governing body approve a charter ordinance designating the city website as the official city news outlet.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Collin Bielser, Assistant City Manager

ADMINISTRATION RECOMMENDATION:

Approve Charter Ordinance No. 29 allowing the City of Hays to publish official notices via website.

ATTACHMENTS:

Staff Memo
Charter Ordinance No. 29

Commission Work Session Agenda

Memo

From: Collin Bielser, Assistant City Manager

Work Session: March 19, 2020

Subject: Legal Notice Publication and Proposed Charter Ordinance
Allowing City of Hays to Publish Official Notices via
Website

Person(s) Responsible: Collin Bielser, Assistant City Manager

Summary

Recently, it has become more costly and difficult to publicize ordinances and other legal notices in the Hays Daily News.

K.S.A. 12-1651 requires a city to designate a newspaper to be the official city publication; however, that statute is not uniformly applicable to all cities in Kansas. Therefore, the City of Hays can use a charter ordinance to modify the requirement.

In an effort to make publications less costly to the taxpayers and increase publication timing and efficiency, the City Attorney along with City Staff recommend the Governing Body approve a charter ordinance designating the City website as the official City news outlet.

Background

The Hays Daily News has significantly reduced the size of their local staff. This has caused delayed responses to phone and email requests. The placement of items in the paper are determined by someone in Salina, not locally, and design and sizing are completed by a third party in Topeka. This recently caused one publication to be increased in size without notification increasing the cost from \$165 to \$415.

What is sent for publication is exactly what should be published, and proofing should not be needed. However, the third party in Topeka asks for proofing and what is run is different, evidenced by the fact that an ordinance had the “county” clerk stamp added. A local employee even verified for us that what was sent did not include the stamp.

Some ordinances and zoning requests require a public hearing. Those hearings are time sensitive. These delays and difficulties with publication puts undue pressure on those deadlines.

These recent changes in the publication of the Hays Daily News, and the proliferation of news sites and other digital publications, have resulted in it being more difficult to

efficiently and timely publicize ordinances. Meanwhile, the opportunity exists to publicize ordinances and other legal notices more widely and at much lower cost, via website.

Discussion

K.S.A. 12 – 1651 provides that a City of the Second class is to designate a “newspaper” to be the official city publication.

Because the statute that calls for an official city newspaper to be designated is not uniformly applicable to all cities in Kansas, we are able to use a charter ordinance to modify that requirement and still achieve its intent. The attached charter ordinance provides that the Governing Body can designate, by resolution, the City of Hays’ website as the official City news outlet. It would not preclude using newspapers and other more traditional printed outlets but would allow us to do several things that will make the process less costly to the taxpayers.

Having the website as the official City news outlet will allow the City the following capabilities:

- to publish official notices either digitally or on paper;
- allow the City to update the notices at least weekly;
- allow the City to publish legal notices by using something that has been in existence for several years;
- allow the City to have a circulation and audience of a majority of the residents of Ellis County, Kansas and other jurisdictions that may be affected by our legal notices;
- allow the City to not be tied to an outlet that is charging a fee for access to its publications; and
- allow the City to be able to control the timing and frequency of publications in a way that will facilitate quicker and more noticeable notifications. By using its own website, the City also avoids any affiliation with any private, profit-driven, social media outlet whether digital or paper.

For a charter ordinance to become effective it must be adopted by a two-thirds vote of the Governing Body (in our case, four), must be published twice in the Hays Daily News, and a 60 day protest period has to pass before it becomes effective. If, during the 60 day protest period, a protest is signed by 10% or more of the electors who voted in the last preceding regular election is filed, then the charter ordinance must be submitted to a vote and does not become effective unless approved by a majority of the people voting at that election.

Hays has adopted 27 charter ordinances, and research shows this is nothing extraordinary. Other cities in Kansas, such as Lenexa and Inman, are also pursuing this opportunity.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

On average, the City of Hays’ annual cost for legal publications and notices has run \$9,400.

Options

The City Commission has the following options:

- Approve a charter ordinance allowing the City of Hays to publish official notices via website
- Do nothing
- Provide staff with other direction

Recommendation

Approve a charter ordinance allowing the City of Hays to publish official notices via website.

Action Requested

Approve a charter ordinance allowing the City of Hays to publish official notices via website.

Supporting Documentation

Charter Ordinance

CHARTER ORDINANCE NO. 29

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYS, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1651, ET. SEQ. AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS WHICH RELATE TO THE NAMING OF AN OFFICIAL CITY NEWSPAPER, AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS:

Section 1. The City of Hays, 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 and make inapplicable to it K.S.A. 12-1651, which applies to this city but does not apply uniformly to all cities, regarding the designation of a newspaper with certain qualifications as the official city newspaper.

Section 2. The Governing Body shall designate by resolution the City of Hays website, www.haysusa.com, as the official city news outlet and is authorized to designate any other media outlet as an official publication site via Resolution of the Governing Body.

Section 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the Hays Daily News, the official city newspaper.

Section 4. This Charter Ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, this 26th day of March, 2020.

SHAUN MUSIL
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(SEAL)