

Published in the *Colby Free Press* on the 19th day of January, 2022

ORDINANCE NO. 1642

AN ORDINANCE OF THE CITY OF COLBY, KANSAS, COMBINING THE RECREATION SYSTEM OF THE COLBY RECREATION COMMISSION WITH THE RECREATION DEPARTMENT OF THE CITY; PROVIDING FOR THE APPOINTMENT OF OFFICERS AND EMPLOYEES, TRANSFER OF PROPERTY, AND THE CREATION OF A RECREATION ADVISORY BOARD.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Colby, Kansas:

Section 1. The recreation system operated by the Colby Recreation Commission (CRC) is a recreation system as that term is defined by K.S.A. 12-1922(c).

Section 2. On the 8th day of December, 2021, and the 15th day of December, 2021, the Governing Body of the City of Colby, Kansas (CITY) published a Notice of Intent to combine the CRC recreation system with the CITY's Recreation Department. No protest pursuant to K.S.A. 12-1929(a) has been filed.

Section 3. Pursuant to K.S.A. 12-1929(a), the CRC recreation system is hereby combined with the CITY's Recreation Department.

Section 4. All property under the control or jurisdiction of the CRC shall be transferred to the CITY's Recreation Department.

Section 5. All officers and employees which may be necessary for the proper operation of the CITY's Recreation Department shall be appointed or employed in the manner provided for other officers and employees of the CITY.

Section 6. The Governing Body of the CITY hereby creates a CITY Recreation Advisory Board. The original members of the City Recreation Advisory Board shall be members of the CRC Board existing on the effective date of this ordinance. Those members shall serve on the City Recreation Advisory Board for the term for which they were appointed to the CRC Board, and upon the expiration of the term of any member, appointment shall be made to fill that position, for a term of four (4) years.

Section 7. The Governing Body of the CITY shall refer all major proposals and propositions for the construction, reconstruction, and improvement of public recreation facilities, including the acquisition of land for recreational purposes, the acquisition of major recreational equipment and facilities, and the institution of new programs in the recreational system to the CITY Recreation Advisory Board. The CITY Recreation Advisory Board shall make reports and recommendations to the Governing Body of the CITY in all matters referred to it and any further recommendations and seemed advisable. Such reports shall

be made within a time fixed by the Governing Body at the time the proposal or proposition is submitted to the CITY Recreation Advisory Board, and no action shall be taken thereafter by the Governing Body upon any such proposal or proposition until the report and recommendations thereon have been received from the CITY Recreation Advisory Board. The Governing Body of the City shall take action upon the reports and recommendations received from the CITY Recreation Advisory Board within thirty (30) days after their receipt. The Governing Body may extend the time as it deems necessary to give the matter further attention before action is taken.

Section 8. Upon the establishment of the combined CITY Recreation Department set forth in this ordinance, the current operating fund of, or the fund budgeted for, the CRC recreation system shall be transferred to the credit of the combined CITY's Recreation Department, to be maintained as provided by K.S.A. 12-1932.

Section 9. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 10. This ordinance shall be in full force and effect after its publication in the *Colby Free Press*, the official CITY newspaper.

APPROVED AND PASSED by the Governing Body of the City of Colby, Kansas, the 18th day of January, 2022.

GARY L. ADRIAN, *Mayor*

ATTEST:

JONI L. KETCHUM, *City Clerk*

APPROVED BY:

JOHN D. GATZ, *City Attorney*