

CHARTER ORDINANCE NO. 27

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE 19, EXEMPTING THE CITY OF GARDNER, KANSAS FROM THE PROVISIONS OF K.S.A. 14-103, 14-109, 14-111, 14- 201, 14-204, 14-205, 14-207, AND 14-308, RELATING TO THE COMPOSITION AND METHOD OF ELECTING MEMBERS OF THE GOVERNING BODY AND THE APPOINTMENT OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS; AND REPEALING SECTION 4 OF CHARTER ORDINANCE NO. 26.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION 1. Section 3 of Charter Ordinance No. 19 of the City of Gardner, Kansas shall be amended to provide as follows:

“The City, by virtue of the powers vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provision (replacing K.S.A. 14-103, 14-109, 14-201, 14-204, 14-205 and 14-308, provided that only those provisions of K.S.A. 14-109 and 14-205, as may be amended, relating to the qualifications of the members of the governing body are not substituted and replaced by this Charter Ordinance with the remainder of such statutes being substituted and replaced hereby and further replacing Charter Ordinance No.4):

Election of officers; terms; vacancies. The mayor and five councilmembers shall constitute the governing body of the city and shall be elected at-large for four-year terms or until their successors are qualified. Those governing body positions with terms expiring in April 2017, shall expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April 2019, shall expire on the second Monday in January of 2020, when the city officials elected in the November 2019 general election take office.

A general election of city officers shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections shall be held on such date every two years thereafter for all such governing body positions whose terms have expired. Those elected in November general elections shall take office on the second Monday in January following the election. All elections for the City of Gardner, Kansas shall be nonpartisan.

The officers elected hereunder shall be qualified pursuant to the laws of the State of Kansas. The removal from the City of any officer elected hereunder who is required by State law to be a qualified elector thereof, shall occasion a vacancy in such office.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the governing body shall appoint a qualified elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. The governing body shall appoint a qualified elector to fill the vacancy.

In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilmember becoming mayor.”

SECTION 2. Section 4 of Charter Ordinance No. 26 of the City of Gardner, Kansas, which previously amended Section 3 of Charter Ordinance No. 19, is hereby repealed.

SECTION 3. Those provisions stated within Charter Ordinance No. 19 and Charter Ordinance No. 26 of the City of Gardner, Kansas which are inconsistent with the foregoing are hereby repealed.

SECTION 4. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 5. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed requiring a referendum to be held on this ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved 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, the 17th day of October, 2016.

CITY OF GARDNER, KANSAS

(SEAL)

/s/ Chris Morrow
Chris Morrow, Mayor

ATTEST:

/s/ Jeanne Koontz
Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk
Ryan B. Denk, City Attorney