

Passed: February 9, 2016
Published: February 24, 2016
March 2, 2016

CHARTER ORDINANCE NO. 51

A CHARTER ORDINANCE EXEMPTING THE CITY OF DERBY, KANSAS FROM THE PROVISIONS OF K.S.A. 12-104a, K.S.A. 14-103, K.S.A. 14-201, K.S.A. 14-204, K.S.A. 14-308, and K.S.A. 25-2110a RELATING TO THE ELECTION OF OFFICERS AND QUALIFICATIONS THEREFOR, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, REQUIREMENTS FOR NOMINATION PETITIONS, THE FILLING OF VACANCIES IN COUNCIL POSITIONS, THE POSITION OF COUNCIL PRESIDENT, AND THE REESTABLISHMENT OF WARDS AND WARD BOUNDARIES WITHIN THE CITY; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING IN THEIR ENTIRETY CHARTER ORDINANCE NOS. 1, 9, 26, 43, 46, and 49; AND FURTHER REPEALING ANY PREVIOUSLY UNREPEALED PROVISIONS OF CHARTER ORDINANCE NOS. 2, 4, and 6.

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

Section 1. The City of Derby, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 12-104a, K.S.A. 14-103, K.S.A. 14-201, K.S.A. 14-204, K.S.A. 14-308, and K.S.A. 25-2110a that apply to this city, but are part of enactments which do not apply uniformly to all cities.

Section 2. Those governing body positions with terms expiring in April 2017 shall expire on the second Monday in January 2018 when the 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 2020, when the officials elected in the November 2019 general election take office.

Section 3. (a) The governing body shall consist of a mayor and eight (8) council members to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Derby, Kansas.

(b) Each ward of the City shall have two council members who shall be chosen by the qualified electors of their respective wards to serve a term of four years. No person shall be eligible to hold the office of council member who is not at the time of his or her election or appointment an actual resident of the ward for which he or she is elected or

appointed. If any council member shall move from the ward from which he or she was elected or appointed, his or her office as council member shall thereby be vacated.

Section 4. In accordance with K.S.A. 25-205, and amendments thereto, and as substitute for K.S.A. 25-2110a, any person may become a candidate for city office by having had filed on their behalf, a declaration of candidacy accompanied by the fee required by law or a nomination petition. The number of qualified electors of the council ward that must sign a nomination petition for a candidate for council member shall be twenty-five (25). The number of qualified electors that must sign a nomination petition for a candidate for Mayor shall be fifty (50).

Section 5. (a) The general election of city officers shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections shall be held every two years for all such governing body positions whose terms have expired. One council member from each ward shall be elected at one election, and the other council member from that ward shall be elected at the succeeding election. The council members shall have four-year terms. The mayor shall have a four-year term.

(b) City elections shall be nonpartisan.

Section 6. (a) At its second regular meeting in January of each year, the City Council shall elect from its membership a president of the Council (“president”).

(b) During temporary absences of the mayor, the president shall preside at Council meetings and perform all of the duties of the office of mayor, except that the president shall neither make appointments to boards, commissions and other agencies, nor veto ordinances.

(c) When a vacancy occurs in the office of mayor, whether by reason of death, resignation, removal from the city, removal from office, refusal to qualify or other cause, the president shall succeed to the office of mayor, with all of the rights, privileges and obligations therefore, and shall serve until the next regular City election.

Section 7. (a) Except as provided in subsection (b) of this section, all vacancies in the office of council member shall be filled within sixty (60) days after the vacancy occurs by appointment by majority vote of the council following a nomination made by the Mayor; provided, that if the mayoral nominee does not receive a majority vote, then and in that event, the vacancy shall be filled by appointment made by the remaining council members. All such appointments shall be for the unexpired term of the vacant office.

(b) In the event a vacancy in the office of council member occurs by reason of succession of the council president to the office of mayor, the mayor shall, within 30 days following succession to such office, elect whether to fill such vacancy as provided in subsection (a) of this section or to leave such office vacant until the next regular City election and, at that time, return to such office and complete the unexpired term thereof.

Section 8. (a) The City council shall, following receipt of the final 2020 United States decennial census data, divide the city into four (4) wards and establish the boundaries thereof. Such wards shall be as nearly equal in population as practicable.

(b) Following each succeeding decennial census, the City Council shall revise and reestablish the boundaries of all wards so the populations thereof shall be as nearly equal as practicable.

(c) Notwithstanding any other provision of this section or this charter ordinance:

(1) Currently established ward boundaries shall remain in effect until such time as final 2020 United States decennial census data becomes reasonably available, subject only to such additions as may be necessitated by annexation of unincorporated territory; and

(2) In the event reestablishment of a ward boundary pursuant to this charter ordinance has the effect of excluding the residence of an incumbent Council member from the ward he or she was elected to represent, then and in that event, said Council member shall serve for the entire term for which he or she was elected.

(d) No ward boundary shall be revised or reestablished within thirty (30) days prior to the date fixed for an election of any kind within the City or the last day for filing as a candidate for any elective City office, whichever comes first.

Section 9. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 1 is hereby repealed.

Section 10. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 2 is hereby repealed.

Section 11. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 4 is hereby repealed.

Section 12. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 6 is hereby repealed.

Section 13. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 9 is hereby repealed.

Section 14. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 26 is hereby repealed.

Section 15. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 43 is hereby repealed.

Section 16. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 46 is hereby repealed.

Section 17. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 49 is hereby repealed.

Section 18. In the event any portion or section of this Charter Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Charter Ordinance.

Section 19. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

Section 20. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the Charter Ordinance as provided in Article XII, Section V, Subsection (c)(3) 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.

Section 21. Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in the record of Charter Ordinances of the City and a copy shall be filed with the Kansas Secretary of State.

PASSED BY THE GOVERNING BODY this 9th day of February, 2016, not less than two-thirds of the members-elect voting in favor thereof, and **SIGNED** by the Mayor.



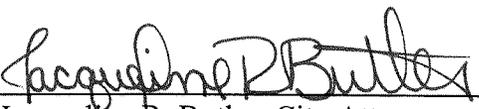
Randy White, Mayor

Attest:



Karen Friend, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney