

Passed: June 14, 2016
Published: June 22, 2016
June 30, 2016

CHARTER ORDINANCE NO. 53

A CHARTER ORDINANCE EXEMPTING THE CITY OF DERBY, KANSAS FROM THE PROVISIONS OF K.S.A. 14-201, K.S.A. 14-205, K.S.A. 14-301, K.S.A. 14-306, K.S.A. 14-307, K.S.A. 12-1039, K.S.A. 12-1040, and K.S.A. 12-1041 RELATING TO THE MAYOR-COUNCIL-MANAGER FORM OF GOVERNMENT; THE QUALIFICATIONS AND SELECTION OF THE CITY MANAGER; THE POWERS AND DUTIES OF THE CITY MANAGER; and ABANDONMENT OF THE EXISTING FORM OF GOVERNMENT; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS; AND REPEALING IN ITS ENTIRETY CHARTER ORDINANCE NO. 48; AND FURTHER REPEALING ANY PREVIOUSLY UNREPEALED PROVISIONS OF CHARTER ORDINANCE NOS. 16, 25, 31, 36, 38, and 45.

WHEREAS, Charter Ordinance No. 16 of the City established the position of City Manager; and

WHEREAS, the City has operated under the Mayor-Council-Manager form of government since establishment of the position of City Manager pursuant to charter ordinances of the City and applicable state law; and

WHEREAS, in 2015 the Kansas Legislature repealed statutes regarding the City-Manager Plan Act and adopted K.S.A. 12-1039 to K.S.A. 12-1041, inclusive, providing for a City-Manager Plan; and

WHEREAS, K.S.A. 12-184a provides that a city shall continue to operate under its current form of government until such time that the city's form of government is changed as provided by law; and

WHEREAS, K.S.A. 12-184a further provides that all existing ordinances and charter ordinances relating to a city's form of government, with limited exceptions, shall remain in effect until amended or repealed by such city; and

WHEREAS, the City desires to amend and repeal certain charter ordinances of the City to provide greater transparency and ease of use without altering, repealing, or amending the City's selected Mayor-Council-Manager form of government.

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. 14-201, K.S.A. 14-205, K.S.A. 14-301, K.S.A. 14-306, K.S.A. 14-307, K.S.A. 12-1039, K.S.A. 12-1040, and K.S.A. 12-1041 that apply to this city, but are part of enactments which do not apply uniformly to all cities and does hereby enact substitute and additional provisions on the same subject as herein provided.

Section 2. Mayor-Council-Manager Form of Government. The City of Derby hereby reaffirms its form of government as the Mayor-Council-Manager form of government and the position of City Manager as provided for herein and pursuant to state law.

Section 3. Qualifications, Selection, Appointment and Tenure of City Manager; Appointment of Acting City Manager.

a. The Governing Body shall select and by majority vote appoint a City Manager to perform the duties and exercise the authority of such position as set forth in the charter ordinances and ordinances of the City and the laws of the state of Kansas. The compensation, benefits and other terms and conditions of employment of the City Manager shall be established pursuant to a written contract, which may be amended from time to time. The City Manager, shall, consistent with the terms of such contract, serve at the pleasure of the Governing Body.

b. The City Manager shall be chosen on the basis of administrative ability and professional competence. The City Manager need not be a resident of the City when appointed and, at the discretion of the Governing Body, need not be a resident of the City during his or her tenure.

c. During any period of disability or extended absence of the City Manager, the Governing Body shall by majority vote appoint an acting city manager.

Section 4. Orders and Reports. It shall be the general practice of the governing body to issue orders and directives to all city officers and departments and receive reports and communications through the office of the City Manager.

Section 5. Powers and Duties of the City Manager. The powers and duties of the City Manager shall include, but not be limited to the following:

a. To see that the laws and ordinances of the City are enforced;

b. Subject to the terms of any contract between the City and the City Manager, to devote all necessary time and attention to the affairs of the City and be responsible to the Governing Body for the efficient administration of its affairs;

c. To hire and discharge all non-elected City employees, except the municipal judge, authorized by the Governing Body to be hired, at such compensation as may be set or authorized by the Governing Body. All such employees shall perform their duties subject to the

discretion of the City Manager or that of the superior to whom such manager may assign such officer or employee; provided, that the City Manager may delegate to any other official or employee the authority to hire or discharge any officers or employees so authorized;

- d. To supervise all non-elected City employees, except the municipal judge;
- e. To attend all meetings of the Governing Body with the right to take part in the discussion, but having no vote;
- f. To make recommendations to the Governing Body governing salary scales, cost of living increases, raises and fringe benefits of nonelected employees;
- g. To be responsible for accounting procedures, billing methods, record keeping and computer programming for the City;
- h. To prepare and submit to the Governing Body the annual budget of the City and keep the Governing Body fully and timely advised as to the financial condition of the City;
- i. To review periodically all insurance policies of the City and make recommendations to the Governing Body;
- j. To exercise general supervision and control over all City purchases and expenditures in accordance with the City budget and within the guidelines specified by the Governing Body;
- k. In conjunction with the planning commission, recommend to the Governing Body workable plans for City improvements and future developments;
- l. To maintain current knowledge of state and federal financial grants and available assistance from other agencies, and to prepare, submit and monitor financial grants and applications;
- m. To serve as public relations officer for the City in contacts with residents and businesses to maintain a good relationship between City government, county commissioners, local citizens and businesses;
- n. To coordinate the work of all boards and volunteers appointed by the Governing Body;
- o. To do and perform such other duties as may be prescribed by ordinance, resolution or direction of the Governing Body with all of the authority and powers provided for the office of city manager under the laws of the State of Kansas and the charter ordinances and ordinances of the City.

Section 6. Qualifications for Appointed Officers and Employees.

a. Employment of all officers and employees appointed by the City Manager may be terminated at any time with or without cause; provided, that any such termination shall be subject to the provisions of the City's personnel policy manual.

Section 7. Departmental Reorganization. All major departmental reorganizations shall be approved by a majority vote of the Governing Body.

Section 8. Abandonment of the Plan. The Mayor-Council-Manager Plan of Government, as provided herein, may be abandoned or modified by Charter Ordinance, or by the method prescribed in K.S.A. 12-1041.

Section 9. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 16 is hereby repealed.

Section 10. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 25 is hereby repealed.

Section 11. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 31 is hereby repealed.

Section 12. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 36 is hereby repealed.

Section 13. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 38 is hereby repealed.

Section 14. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 45 is hereby repealed.

Section 15. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 48 is hereby repealed.

Section 16. 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 17. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

Section 18. 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.

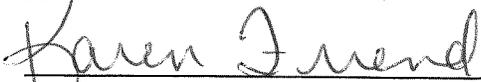
Section 19. Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in the record of Charter Ordinances of the City and a copy shall be filed with the Kansas Secretary of State.

PASSED BY THE GOVERNING BODY this 14th day of June, 2016, not less than two-thirds of the members-elect voting in favor thereof, and **SIGNED** by the Mayor.



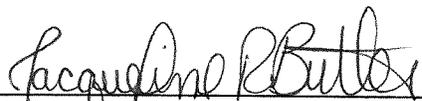
Randy White, Mayor

Attest:



Karen Friend, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney