

## CHARTER ORDINANCE NO. 49

### A CHARTER ORDINANCE PROVIDING FOR REESTABLISHMENT OF WARDS AND WARD BOUNDARIES WITHIN THE CITY; AND REPEALING CHARTER ORDINANCE NO. 6 OF THE CITY.

**WHEREAS**, the City of Derby ("City") has heretofore adopted its Charter Ordinance no. 6, exempting the City from application of K.S.A. 14-103, authorizing establishment of wards for the purpose of electing members of the City Council of the City; and

**WHEREAS**, Charter Ordinance no. 6 provides for establishment of wards based on the number of registered voters residing therein; and

**WHEREAS**, the City now desires to provide for establishment of wards based on population;

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

**Section 1.** The City of Derby, Kansas ("City") by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and does exempt itself from and make inapplicable to it the provisions of K.S.A. 14-103, a statute which applies to the City but is part of an enactment which does not apply uniformly to all cities, and to provide substitute and additional provisions as hereinafter set forth.

Section 2. a. The City council shall, following receipt of final 2010 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 that the populations thereof shall be as nearly equal as practicable.

c. Notwithstanding any other provision of this charter ordinance:

1. Currently established ward boundaries shall remain in effect until such time as final 2010 United States decennial census data become 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, such Council member shall serve for the entire term for which 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 3.** Charter Ordinance no. 6 of the City is 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 Charter Ordinance shall take effect sixty-one days after final publication, unless a sufficient petition for a referendum is filed and a referendum held on the ordinance, as provided in Article 12, Section 5, Subdivision 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.

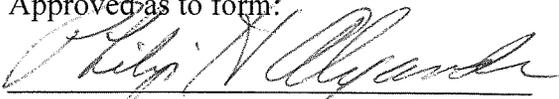
**PASSED BY THE GOVERNING BODY**, not less than two-thirds of the members elect voting in favor thereof, this 13th day of April, 2010.

  
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Dion P. Avello, Mayor

ATTEST:

  
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Jean Epperson, City Clerk

Approved as to form:

  
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Philip H. Alexander, City Attorney