

CHARTER ORDINANCE NO. 16

A CHARTER ORDINANCE EXEMPTING THE CITY OF DERBY, KANSAS, FROM THE WHOLE OR PART OF K.S.A. 14-205, 14-301, 14-306 and 14-307, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE APPOINTMENT OF A CITY MANAGER, AND TO THE POWERS AND DUTIES OF SAID MANAGER AND OF THE MAYOR AND THE COUNCIL, AND REPEALING AND AMENDING SECTION 1. OF CHARTER ORDINANCE #11.

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

SECTION 1. INAPPLICABLE PROVISIONS OF KANSAS STATUTES ANNOTATED: The City of Derby, Kansas, a mayor/council city of the second class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make exempt itself from and make inapplicable to it K.S.A. 14-205, 14-301, 14-306 and 14-307, which sections apply to said city but not uniformly to all cities of Kansas, and to enact substitute and additional provisions on the same subject as herein provided.

SECTION 2. OFFICE OF CITY MANAGER ESTABLISHED: The position of City Manager is hereby established. The City Manager shall be appointed by the Mayor, with the confirmation of the council.

SECTION 3. IMPLEMENTATION, SALARY AND QUALIFICATIONS: The City Manager shall be appointed prior to January 1, 1981, and all duties shall commence on said date. He/she shall hold office at the will of the Mayor and council. The salary of the City Manager shall be established by regular salary ordinance of the city. The City Manager shall be chosen on the basis of administrative ability and professional competence. He/she shall give such bond as the council may require for the faithful performance of his/her duties. The City Manager need not be a resident of the city when appointed, and at the council's discretion, need not be a resident of the city

during his/her term of office.

SECTION 4. 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.

the City Attorney, Police Chief and Municipal Judge, who shall be appointed as set out herein. The City Manager shall hire and discharge all other city employees authorized by the city council to be hired, at such compensation as may be set or authorized by the city council. All 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 employee. PROVIDED, that the City Manager may delegate to any other official or employee the authority to hire or discharge any employees so authorized.

d]. To supervise all non-elected city employees, officers and appointees, excepting City Attorney and 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]. Make recommendations to the governing body concerning salary scales, cost of living increases, raises and fringe benefits of appointed officers and employees.

g]. Be responsible for accounting procedures, billing methods, record keeping and computer programming for the city.

h]. 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]. Review all insurance policies of the city on an annual basis and make recommendations to the governing body.

j]. 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. Any major deviation (\$1,000.00 or more) from the current budget will be coordinated with the governing body prior to purchase or fund commitment.

k]. In conjunction with the planning and park boards, recommend to the governing body workable plans for the city improvements and future developments.

l]. 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]. Serve as public relations officer for the city in contacts with residents and businesses in order to maintain a good relationship between city government, county commissioners, local citizens and businesses.

n]. Coordinate the work of all boards and volunteer departments 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.

SECTION 5. DEPARTMENTAL REORGANIZATION: All major departmental reorganizations will be approved by a majority vote of the governing body.

SECTION 6. ABSENCE OR DISABILITY OF THE CITY MANAGER: During the absence or disability of the City Manager, the Mayor shall appoint an acting City Manager with council confirmation.

SECTION 7. POWERS AND DUTIES OF MAYOR:

a]. Except as specifically provided in this ordinance, the establishment of the office of City Manager shall in no way limit or change the rights, powers, duties and responsibilities of the Mayor and council as prescribed by statute not herein made inapplicable, for cities of the second class.

b]. The Mayor shall preside at all meetings of the city council, shall have a casting vote when the council is equally divided and none other.

SECTION 8. 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 City Manager.

SECTION 9. 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. 12-1038.

SECTION 10. Section 1 of Charter Ordinance #11 is hereby repealed.

SECTION 11. Section 1 of Charter Ordinance #11 is hereby amended to read as follows:

"c]. The Mayor shall appoint, by and with the consent of the council, a Municipal Judge of the Municipal Court, a Chief of Police, City Manager, and a City Attorney, as well as appointments to all boards, commissions and voluntary departments, such as, but not limited to, the library board, planning commission, and Volunteer Fire Department.

Except as by ordinance specifically provided, all city officers appointed by the Mayor shall hold their offices for an indefinite term and until their successors are appointed and qualified".

SECTION 12. QUALIFICATIONS OF OFFICERS; APPOINTMENT OF NONRESIDENTS; REMOVAL OF OFFICER, EFFECT; OATHS AND BONDS: All officers elected or appointed except where otherwise by ordinance specifically required or permitted to be nonresidents,

shall be qualified electors of said city, except that the city may appoint nonresidents as City Attorney, Municipal Judge, and City Manager, and as law enforcement officers when deemed necessary, including the appointment of nonresidents who also serve as City Attorney, Municipal Judge or law enforcement officers of another municipality or public agency. The City Attorney shall be a qualified elector of the county in which said city is located or of an adjoining county.

SECTION 13. SEPARABILITY: If any phrase, clause, paragraph or section of this ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, it is hereby declared that the governing body would have enacted the remaining portions of this ordinance without the phrase, clause, paragraph or section so held unconstitutional or invalid.

SECTION 14. EFFECTIVE DATE. This is a Charter Ordinance, and shall take effect sixty-one (61) days after the final publication, unless a sufficient Petition for Referendum is filed as provided in Article 12, Section 5, Sub-Division (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective upon approval by a majority of the electors voting at an election held on said ordinance.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS, BY NOT LESS THAN TWO-THIRDS OF THE MEMBERS ELECT VOTING IN FAVOR THEREOF, THIS 16th DAY OF SEPTEMBER, 1980.


MAYOR

ATTEST:


CITY CLERK