

Passed: 04/24/07
1st Publication: 05/02/07
2nd Publication: 05/09/07

CHARTER ORDINANCE NO. 43

A CHARTER ORDINANCE EXEMPTING THE CITY OF DERBY, KANSAS, FROM AND MAKING INAPPLICABLE TO IT THE PROVISIONS OF K.S.A. 14-204; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE ELECTION OF COUNCIL MEMBERS, QUALIFICATIONS THEREFOR, TIE VOTES AND FILLING OF VACANCIES; AND REPEALING ORIGINAL CHARTER ORDINANCE NO. 2 OF THE CITY.

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

Section 1. Exemption from K.S.A. 14-204. The City of Derby, Kansas ("City"), a mayor-council-manager 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 exempt itself from, and make inapplicable to it, the provisions of K.S.A. 14-204, and to provide substitute and additional provisions as hereinafter set forth. Such provision of Kansas law is an enactment or a part of an enactment which is applicable to this city but not uniformly applicable to all cities.

Section 2. Election of Council Members; Qualifications Therefor; Tie Votes and Filling of Council Vacancies. Each ward of the City of Derby shall have two council members who shall be chosen by the qualified electors of their respective wards and 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. Whenever there shall be a tie in the election of a council member, the winner shall be determined by lot by the judges of the election of the ward in which such tie occurred. 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 in the event the mayoral nominee does not receive a majority vote, then such 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.

Section 3. Repeal of Charter Ordinance No. 2. Charter ordinance no. 2 of the City of Derby, Kansas, is hereby repealed.

Section 4. Publication. This charter ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

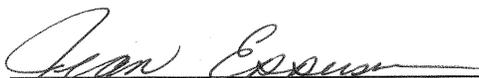
Section 5. Effective Date. This charter ordinance shall take effect sixty-one days after final publication unless a sufficient petition for a referendum is filed and referendum held thereon as provided in Article 12, Section 5, subsection (c)(3) of the Constitution of the State of Kansas, in which case this charter 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 24th day of April, 2007.



Dion P. Avello, Mayor

ATTEST:



Jean Epperson, City Clerk