

(First Published in the Abilene Reflector-Chronicle, Wednesday, January 26, 1966)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF ABILENE, KANSAS, FROM SECTIONS 14-1204, 12-1005c AND 12-1006, K.S.A., AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS, PROVIDING FOR THE ELECTION OF FIVE COMMISSIONERS, TIE VOTE, THEIR TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTION

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

Section 1: The City of Abilene, Kansas, a commission-city manager city of the second class, by the power invested in it by Article 12, Section 5 of the Constitution of the state of Kansas, hereby elects and exempts itself from and makes inapplicable to it Sections 14-1204, 12-1005c and 12-1006, K.S.A., which apply only to Mayor-commission, City Manager-commission forms of government, which is not applicable uniformly to all cities and to provide substitute and additional provisions as hereinafter provided.

Section 2: The Governing Body of the City of Abilene, Kansas, shall be enlarged from three commissioners to five commissioners, effective and for purpose of election in the year 1967, and ensuing years or otherwise changed. Said Governing Body of five commissioners shall become effective March 1st, 1967, or as soon thereafter as elected as hereinafter provided for.

Section 3: A regular city election shall be held on the first Tuesday in April of each odd-numbered year. On the first Tuesday in April, 1967, an election shall be held for three commissioners. The two commissioners receiving the highest number of votes shall serve for a term of four years and the candidate receiving the third largest number of votes shall serve for a period of two years as city commissioners. In addition the commissioner's term expiring May 1st, 1968, is hereby extended for a period of one year. Thereafter, on each odd-numbered year there shall be elected three commissioners, the two highest candidates receiving votes shall serve for four years and the third highest candidate receiving votes shall serve for a period of two years. Whenever a tie shall occur in a vote on any of the aforesaid officers, the result shall be decided by lot by the Board of Canvassers. The City Clerk shall, within three days after the canvass of the returns and determination by the Board of canvasses of the persons elected deliver to each such person a certificate of election signed by him with the seal of the City, and such certificate shall constitute notice of election. The term of the officers shall begin on the first regular meeting of the Commission in May following their election in April, and they shall qualify at any time before or at the beginning of said meeting and as otherwise required by Statute. If any person elected to the office of commissioner does not qualify within the required time, he shall be deemed to have refused to accept the office and a vacancy shall exist and thereupon a majority of the commission, by voice vote, shall appoint a suitable elector of the City to fill the vacancy for the term to which the refusing person was elected. In case of a vacancy in the office of commissioner occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the consent of a majority of the remaining commissioners, shall appoint such suitable elector of the city to fill the vacancy until the next election for that office. The commission should be organized as provided by law with the selection of a president of the commission.

Section 4: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.'

Section 5: This is a charter ordinance and shall take effect as herein provided and upon approval by referendum of the eligible voters of the City of Abilene, Kansas, all as provided in Article 12, Section 5 of the Constitution of Kansas.

PASSED by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof the 24th day of January, 1966.

Jas. B. Robson
Mayor

(Seal)

ATTEST:

Max J. Dole
City Clerk

The foregoing Charter Ordinance No. 2 was passed on the 24th day of January, 1966, by a vote of three for and none against, being not less than two-thirds of the members-elect of the governing body, as shown by the journal of Proceedings No. 1965, Page 14, published in the Abilene Reflector-Chronicle, the official city newspaper, on the 26th day of January, 1966, and on the 2nd day of February, 1966, being once each week for two consecutive weeks and the governing body deciding to submit the ordinance to a referendum without a petition, the governing body passed Ordinance No. 2120 on the 28th day of February, 1966, calling an election to be held on said ordinance on the 5th day of April, 1966, said ordinance being published in the Abilene Reflector-Chronicle, the official city newspaper on March 8th and March 15th, and March 22, 1966, being once each week for three consecutive weeks and such election was duly held and a majority of the electors voting thereon approving the ordinance, the ordinance took effect.

Max J. Dole
City Clerk