

CHARTER ORDINANCE NO. 05

A CHARTER ORDINANCE EXEMPTING THE CITY OF ABILENE, KANSAS, FROM SECTIONS 14-1204, 12-1005c, AND 12-1006, ALL IN K.S.A. AND AS AMENDED BY H.B. 1709 OF THE 1968 KANSAS LEGISLATURE, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT PROVIDING FOR THE STAGGERED 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., and amendments thereto pursuant to H. B. 1709 of the 1968 Kansas Legislature, 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. A regular city election shall be held on the first Tuesday in April of 1969 and each odd-numbered year thereafter. On the first Tuesday in April, 1969, 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. Thereafter, on each odd-numbered year there shall be elected three commissioners, the two candidates receiving the most votes shall be elected for four year terms and the candidate receiving the third highest number of votes shall serve for a period of two years. Whenever a tie shall occur in a vote on any of the aforesaid offices, 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 Canvassers of the persons elected deliver to each such person a certificate of election signed by him with the seal of the City affixed, 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 qualified 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 a qualified 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.

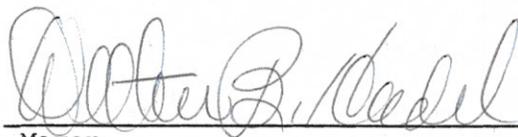
SECTION 3. Section 3 of Charter Ordinance No. 2 is hereby repealed in its entirety.

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 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, Sub-division (c) (3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, the 8th day of July, 1968.

(SEAL)

  
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Mayor

ATTEST:

  
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City Clerk