

CHARTER ORDINANCE NO. 25

A CHARTER ORDINANCE AMENDING SECTION 2 OF CHARTER ORDINANCE NO. 10 RELATING TO THE STAGGERED ELECTION OF FIVE COMMISSIONERS, TIE VOTE, TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTION; AND REPEALING THE EXISTING SECTION.

WHEREAS, Charter Ordinance No. 10 provides, among things, that terms of office for members of the governing body will begin on the first regular meeting of the governing body following their election;

WHEREAS, on June 8, 2015, the Kansas Legislature passed L. 2015, ch. 88 (H.B. 2104), which, among other things, provides that all general elections for members of the governing body shall be held in November, and that terms of office will now begin on the second Monday in January following the certification of the election, which is in conflict with Charter Ordinance No. 10. **SO, NOW THEREFORE**,

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

SECTION ONE. Amendment. That Section 2 of Charter Ordinance No. 10 is hereby amended to read as follows:

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 of the Board of Canvassers. The City Clerk shall, within three days after canvass of the returns and determination by the Board of Canvassers of the persons elected deliver to each such person a certificate of the election signed by the City Clerk with the seal of the City affixed, and such certificate shall constitute notice of election. The term of the officers shall commence on the second Monday in January following certification of the election 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, such person 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 mayor of the commission.

SECTION TWO. Repeal. Existing Section 2 of Charter Ordinance No. 10 is hereby repealed, it being the intent of this Charter Ordinance that the provisions of Section 2 above be substituted in place thereof.

SECTION THREE. Publication. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR. Effective Date. This Charter Ordinance shall take effect 60 days after final publication, unless a sufficient petition is filed and a referendum held on the ordinance as provided in Article 12, Section 5(c) of the Kansas Constitution, in which case the ordinance shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas by not less than two-thirds of the members elect voting in favor thereon, this 8th day of February, 2016.



[SEAL]

CITY OF ABILENE, KANSAS

By: *Dennis P. Weishaar*
Dennis P. Weishaar, Mayor

ATTEST:

Penny L. Soukup, CMC
Penny L. Soukup, CMC
City Clerk

APPROVED AS TO FORM:

Aaron O. Martin
Aaron O. Martin, City Attorney