

CHARTER ORDINANCE NO. 29

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 27, ESTABLISHING THE TERM OF OFFICE AND SWEARING-IN OF MEMBERS OF THE GOVERNING BODY OF GARDNER, KANSAS.

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

SECTION 1: Section 1 of Charter Ordinance No. 29 of the City of Gardner, Kansas shall be amended to provide as follows:

"The City, by virtue of the powers vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provision (replacing K.S.A. 14-103, 14-109, 14-201, 14-204, 14-205, 14-308, 25-313, and 25-2120 provided that only those provisions of K.S.A. 14-109 and 14-205, as may be amended, relating to the qualifications of the members of the governing body are not substituted and replaced by this Charter Ordinance with the remainder of such statutes being substituted and replaced hereby and further replacing Charter Ordinance No.4):

Election of officers; terms; vacancies. The mayor and five councilmembers shall constitute the governing body of the city and shall be elected at-large for four-year terms or until their successors are qualified. The term of office for all elected members of the Governing Body, including all members of the City Council and the Mayor, shall commence upon their swearing-in, which shall occur at the City's first December City Council meeting following the certification of the election.

A general election of city officers shall take place on the Tuesday succeeding the first Monday in November of every odd year for all such governing body positions whose terms have expired. Those elected in November general elections shall be sworn in and take office on the first meeting of the City Council following the certification of election results. All elections for the City of Gardner, Kansas shall be nonpartisan.

The officers elected hereunder shall be qualified pursuant to the laws of the State of Kansas. The removal from the City of any officer elected hereunder who is required by State law to be a qualified elector thereof, shall occasion a vacancy in such office.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the governing body shall appoint a qualified elector to fill the vacancy for the remainder of the term for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. The governing body shall appoint a qualified elector to fill the vacancy.

In case of a vacancy in the office of mayor, the president of the council shall become mayor for the remainder of the term for the office of Mayor and a vacancy shall occur in the office of the councilmember becoming mayor."

SECTION 2. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 3. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed requiring a referendum to be held on this ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case the 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, the 19th day of April, 2021.

CITY OF GARDNER, KANSAS

{SEAL}

/s/
Steve Shute, Mayor

ATTEST:

/s/
Sharon Rose, City Clerk

Approved as to form:

/s/
Ryan B. Denk, City Attorney