

CHARTER ORDINANCE NO. 2

CHARTER ORDINANCE EXEMPTING THE CITY OF GARDNER, KANSAS FROM SECTION 15-201 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949, AND SECTION 15-210 OF THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, PROVIDING FOR THE ELECTION OF MAYOR, POLICE JUDGE AND FIVE COUNCILMEN, 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 GARDNER, KANSAS:

SECTION ONE: The City of Gardner, Kansas, a mayor-council city of the third class, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and exempts itself from and makes inapplicable to it Section 15-201 of the 1961 Supplement to the General Statutes of Kansas, 1949 and Section 15-210, General Statutes of Kansas, 1949, both sections being part of Chapter 60, Laws of Kansas, 1871, as amended which apply only to mayor-council cities of the third class and applying to said city, and to provide substitute and additional provisions as hereinafter provided.

SECTION TWO: A regular city election shall be held on the first Tuesday in April of each odd-numbered year. On the first Tuesday in April, 1963, an election shall be held for mayor, a police judge and five councilmen. The mayor first elected shall hold office for two years and until his successor is elected and qualified. At the election in 1965 and each four years thereafter, the mayor shall be elected to hold office for four years and until his successor is elected and qualified. At the election in 1963, two councilmen shall be elected to hold office for two years and the police judge and three councilmen shall be elected to hold office for four years. At the election of 1963, the candidates for councilmen receiving the highest, second highest and third highest number of votes shall be elected for four years and the candidates receiving the fourth and fifth highest number of votes shall be elected for two years. Whenever a tie shall occur in the 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 canvassers 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 office shall begin at the first regular meeting of the council in May following their election in April and they shall qualify at any time before or at the beginning of said meeting. If any person elected to the office of police judge or councilman 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 the mayor shall, with the consent of a majority of the remaining councilmen, 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 councilman 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 councilmen, shall appoint some suitable elector of the city to fill the vacancy until the next election for that office. In case of a

vacancy in the office of mayor occurring by reason of resignation, death, removal from office or from the city, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

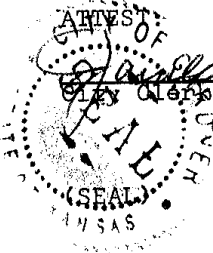
SECTION THREE: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR: 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 and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c) (3), of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED and APPROVED this 2nd day of October, 1962 by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof.



Mayor

ATTEST:

Charles G. Hayes
City Clerk
12 Dec. 1962
effective