

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE EXEMPTING THE CITY OF BURLINGTON, KANSAS, A MUNICIPAL CORPORATION OF THE SECOND CLASS, FROM THE PROVISIONS OF K.S.A. 14-103, RELATING TO THE DIVISION OF THE CITY INTO WARDS AND ELECTION AND TERMS OF COUNCIL MEMBERS; K.S.A. 14-201, RELATING TO ELECTIVE AND APPOINTED OFFICERS, THEIR TERMS AND COMPENSATION; AND K.S.A. 14-204, RELATING TO THE ELECTION OF AND RESIDENCY REQUIRED FOR COUNCIL MEMBERS AND VACANCIES IN OFFICE OF MAYOR OR COUNCIL MEMBERS; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS THEREFORE. AND K.S.A. 25-205, RELATING TO ELECTION PROCEDURES. THIS ORDINANCE WILL AMEND CHAPTER VI. CITY ELECTIONS OF THE 1997 EDITION OF THE CITY CODE OF BURLINGTON, KANSAS; AND WILL REPEAL CHARTER ORDINANCE NO 2 AND CHARTER ORDINANCE NO.8.

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

Section 1. The City of Burlington, Kansas, a municipal corporation of the second class, by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 14-103, K.S.A. 14-201, K.S.A. 14-204, and K.S.A. 25-205 that apply to this city, but are parts of enactments which do not apply uniformly to all cities.

Section 2. The Governing Body of City of Burlington:

- a. Shall consist of a mayor and six council members, to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Burlington, Kansas.
- b. Has by ordinance, divided the city into three wards, establish the boundaries thereof, and numbered the same. (*Reference City Code 6-201 / Ordinance 473, 12-8-1989*)
 - 1) No ordinance redefining wards and precincts shall become effective less than 30 days prior to the next regular city election.
 - 2) Each of Burlington's three wards shall be represented by a Council Member Position 1 and a Council Member Position 2, required to reside in the Ward elected to represent (exceptions: refer Section 3d); and with Position 1 and Position 2 expiring in different years.

Section 3. Terms, Elections, and Appointment to Fill Vacant Council Member Positions:

- a. Council members shall have four year terms. The Mayor shall have a four year term.
- b. Terms of Council Member Ward Position #2, expiring in April 2017, shall be extended to expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Thereafter, terms will expire four years later on the second Monday in January.
- c. Terms of the Mayor and the Council Member Ward Position #1 with terms expiring in April 2019, shall be extended to expire on the second Monday in January of 2020, when the city officials elected in November 2019 general election take office. Thereafter, terms will expire four years later on the second Monday in January.
- d. Vacancies between elections: Appointment approved by majority vote of the council:
 - 1) Positions that become vacant during the course of the four-year term shall be filled by an eligible resident of the Ward in which the vacancy exists, following a majority vote of approval of the appointment by the Governing Body; unless
 - 2) After thirty (30) days of the position becoming vacant, no eligible person in that Ward has expressed interest, then the Governing Body may appoint a person from one of the other Wards, with the understanding the interim Council Member shall not be eligible to be a candidate in the next election for that seat unless having obtained residency in that Ward.

Section 4. General Election:

- a. All elections for City of Burlington, Kansas shall be nonpartisan.
- b. A general election of city officers takes place on the Tuesday succeeding the first Monday in November.
- c. Succeeding elections will be held every two years, in odd numbered years, for all such governing body positions will expire the second Monday in January of the following year.
- d. One council member from each ward shall be elected at one election, and the other council member from that ward shall be elected in the succeeding election.

Section 5. Mayor's Appointments: The mayor shall appoint, by and with the consent of the council: municipal judge of the municipal court, chief of police, city clerk, city attorney, and any other officials deemed necessary.

- a. Any officer appointed and confirmed shall serve in that position for the remainder of the its term and until his/her successors are appointed and qualified.
- c. The council shall by ordinance specify the duties and compensation of the office holders, and by ordinance may abolish any office created by the council whenever deemed expedient.

Section 6. Candidacy for Office in accordance with K.S.A. 25-205

- a. Any person may become a candidate for city office elected at large by having had filed on their behalf a nomination petition or a declaration of candidacy, accompanied by any fee required by law. The nomination petition must be signed by three percent (3%) of the qualified electors of the City of Burlington.

Section 7. This Charter Ordinance No. 9 shall be published once each week for two consecutive weeks in the official city newspaper.

Section 8. This Charter Ordinance shall take effect sixty-one days after final publication unless a sufficient petition for referendum is filed requiring a referendum be held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case the Charter Ordinance shall be effective upon approval by a majority of the electors voting thereon.

Section 9. Upon the effective date of this Charter Ordinance No. 9, Charter Ordinance No. 2 and Charter Ordinance No. 8 are repealed.

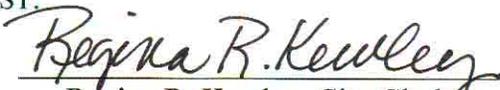
Section 10. Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for Charter Ordinances of the City and shall be filed with the Secretary of State of the State of Kansas.

THIS CHARTER ORDINANCE NO. 9 WAS PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON, KANSAS, BY NOT LESS THAN TWO-THIRDS (2/3) OF THE MEMEBERS ELECT VOTING THEREON, AND SIGNED BY THE MAYOR THIS 20th DAY OF JULY, 2016.

SEAL


Robert S. Luke, Mayor

ATTEST:


Regina R. Kewley, City Clerk

APPROVED AS TO FORM


Thomas R. Robrahn, City Attorney
F.