

CHARTER ORDINANCE NO. 28

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A CHARTER ORDINANCE INCREASING THE GOVERNING BODY FROM THREE COMMISSIONERS TO FIVE COMMISSIONERS AND PROVIDING FOR TERMS OF OFFICE, ELECTION CYCLING AND TRANSITIONING PROVISIONS; REPEALING CHARTER ORDINANCE #4 INCLUDING ITS CODIFIED VERSION AND ALSO AMENDING TITLE 1, CHAPTER 8, SECTION 1 AND SECTION 13 OF THE MUNICIPAL CODE; REPEALING EXISTING PROVISIONS OF SAID TITLE 1, CHAPTER 8, SECTION 1 AND SECTION 13 .

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WHEREAS, the City of Garnett, Kansas, has since 1964 been organized as a Commission-Manager government; and for an even longer time has been governed by a Commission consisting of three members, and has elected one commissioner for a three-year term in each year so as to provide continuity in the membership of the said Commission; and,

WHEREAS, the City of Garnett, Kansas, in 1969 memorialized such election procedure, as an exception from Kansas law, by way of Charter Ordinance No. 4; and,

WHEREAS, the City Commission of the City of Garnett, Kansas, has discussed expanding the membership of the Commission from three members to five members and on such issue through an advisory election found there was support among the electors voting in said election for such an expansion; and,

WHEREAS, the City Commission of the City of Garnett, Kansas, desires to maintain the three-year terms and annual election process in the expansion of the membership of the Commission to five members.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: The City of Garnett, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby adopts this Charter Ordinance.

SECTION 2: Title 1, Chapter 8, Section 1 of the Municipal Code is hereby amended to read as follows:

1-8-1: GOVERNING BODY; TITLES: The governing body of the City of Garnett shall consist of a city board of commissioners, five (5) in number, which shall have all power and authority to govern the City as provided by Kansas law under the commission-manager plan of government and by this code. The said governing body may be referred to in this code as the "city commission", "commission", "governing body" or "board of commissioners".

NOT FOR EXECUTION

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(DATE)

SECTION 3: Title 1, Chapter 8, Section 13 of the Municipal Code is hereby amended to read as follows:

1-8-13: TERMS OF COMMISSIONERS; TRANSITION; METHOD OF ELECTION; CANDIDACY:

(A) The City of Garnett, Kansas, has since electing in 1964 to do so, operated under the Commission-Manager form of government and desires to continue to do so, pursuant to all existing ordinances and charter ordinances relating to its form of government, except as expressly provided otherwise in this charter ordinance.

(B) In order to maintain the staggered terms of elected commissioners, a long-standing tradition in the City of Garnett, and as formally provided in Charter Ordinance No. 4 (adopted January 27, 1969; effective March 27, 1969) municipal elections in the city of Garnett, Kansas, shall take place on the Tuesday succeeding the first Monday in November each year. Each commissioner shall be a resident and qualified elector of the City of Garnett, Kansas, and shall at such election be elected to a three year term, expiring on the second Monday of the fourth succeeding January.

(C) In order to transition to a five-member commission and thereafter maintain the same,

1. Two additional commissioners shall be elected in the November, 2019 election; the terms of each such commissioner shall be for three (3) years, expiring on the second Monday in January of 2023.

2. The commission position that presently expires on the second Monday in January of 2020 shall be extended to and shall expire on the second Monday in January of 2021. Two commissioners shall be elected in the November, 2020 election; the terms of such commissioners shall be for three (3) years, expiring on the second Monday in January of 2024.

3. One commissioner shall be elected in the November, 2021 election for a term of three (3) years, expiring on the second Monday in January of 2025.

4. Thereafter, either one or two commissioners as needed to maintain a five-member commission shall be elected annually, each to a term of three (3) years.

5. In years in which two (2) commissioners are to be elected, the candidate receiving the greatest number of votes and the candidate receiving the next greatest number of votes shall be declared the winners.

6. In a year in which one (1) commissioner is to be elected, the candidate receiving the greatest number of votes shall be declared the winner.

(D) Any person desiring to become a candidate for commissioner shall file with the county election officer, before the filing deadline established in K.S.A. 25-205 or any amendment thereto, either a petition signed by not fewer than twenty-five (25) of the qualified electors of the City of Garnett or by a declaration of intent to become a candidate accompanied by any filing fee required by law. Any such petition or declaration shall be on a form furnished by the county election officer and as specified by the secretary of state.

SECTION 4: Charter Ordinance No. 4 is hereby repealed, including its codified version in Title 1, Chapter 8, Section 12 of the Municipal Code. Title 1, Chapter 8, Section 13 of the Municipal Code, as the same presently exists, is hereby repealed.

SECTION 5: This Charter Ordinance shall be published once each week for two consecutive weeks in an official newspaper of the City of Garnett, Kansas.

SECTION 6: This Charter Ordinance 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 of the Constitution of the State of Kansas, in which case this ordinance shall become effective only if approved by a majority of the electors voting thereon.

PASSED by the Governing Body of the City of Garnett, Kansas, not less than two-thirds (2/3rds) of its members elect voting in favor thereof on this 12th day of February, 2019.

Mayor

A T T E S T:

City Clerk