

Introduced: November 15, 2005

Passed: \_\_\_\_\_

1<sup>st</sup> Publication: \_\_\_\_\_

2<sup>nd</sup> Publication: \_\_\_\_\_

**CHARTER ORDINANCE NO. 43**

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE 30, EXEMPTING THE CITY OF HUTCHINSON, KANSAS, FROM THE PROVISIONS OF SECTION 13-628(I) OF THE KANSAS STATUTES ANNOTATED, PERTAINING TO APPOINTMENT OF A MUNICIPAL JUDGE IN CERTAIN CITIES; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION 1. That Charter Ordinance No. 30 is hereby repealed.

SECTION 2. The City of Hutchinson, Kansas, a modified mayor-council-manager city of the first class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from, and make inapplicable to it, the provisions of Section 13-628(I) of the Kansas Statutes Annotated. Such statute is an enactment or portion of an enactment which is applicable to this city but not applicable uniformly to all cities.

SECTION 3. The City Manager shall appointment a Municipal Judge for the purpose of presiding over the proceedings of the Municipal Court and supervising the employees thereof. The Municipal Judge, who shall be an attorney duly licensed to practice law in this state, shall serve for a term of one (1) year commencing on the first Monday in January, 2006. The term may be renewed annually for a subsequent one (1) year term. Such renewal shall be made in writing by December 15 of each year. The Municipal Judge shall perform all duties ordinarily incident to judicial office and perform such other or additional duties as are set forth in an agreement executed by the City Manager and the Municipal Judge at the commencement of the term of office. Such agreement, which the City Manager is hereby authorized to execute on behalf of the City, shall specify the duties of the office and expressly prohibit any city officer or employee from interfering with the Municipal Judge in the performance in his or her judicial functions. Except as otherwise provided in this ordinance or an agreement executed pursuant to authority granted herein, the Municipal Judge and the employees under his or her supervision shall be subject to the authority of the City Manager in the same manner as other City employees. The compensation paid to the Municipal Judge shall be fixed from time to time by agreement of the parties in writing.

SECTION 4. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 5. 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 the Ordinance as provided in Article 12, Section 5, subdivision (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elected voting in favor thereof, this 15th day of November, 2005.



Gina Rayburn  
Gina Rayburn  
Interim Finance Director/City Clerk

D. W. Brigman  
D. W. Brigman, Mayor