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**CHARTER ORDINANCE NO. 51**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF HUTCHINSON, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1040, RELATING TO THE CITY MANAGER FORM OF GOVERNMENT; EXEMPTING THE CITY OF HUTCHINSON, KANSAS FROM THE PROVISIONS OF K.S.A. 12-104(a); AMENDING AND REPEALING EXISTING SECTION 2.7 ANNUAL ORGANIZATION MEETING OF CHARTER ORDINANCE NO. 38.**

**WHEREAS**, on the 8<sup>th</sup> day of November, 1994, the citizens of the City of Hutchinson, Kansas, adopted by majority vote the modified Mayor-Council-Manager form of government;

**WHEREAS**, the Kansas Legislature passed L. 2015, Ch. 88 (H.B. 2104), which amended and transferred the statutory provisions for the Mayor-Council-Manager form of government, and L. 2015, Ch. 88, Sec. 8(a) states that a city shall continue to operate under its current form of government if established at an election until such time that the city's form of government is changed;

**WHEREAS**, the statutory provisions for the Mayor-Council-Manager form of government have been recodified in K.S.A. 12-1040;

**WHEREAS**, L. 2015, Ch. 88, Sec. 8(b) states that all existing ordinances and charter ordinances relating to a city's form of government shall remain in effect until amended or repealed by such city;

**WHEREAS**, the City of Hutchinson, Kansas, wishes to exempt itself from provisions within K.S.A. 12-1040;

**WHEREAS**, the City of Hutchinson, Kansas, has previously addressed vacancies which may occur amongst members of the governing body in Section 2.6 Qualifications and Vacancies of Charter Ordinance No. 38;

**WHEREAS**, the City of Hutchinson, Kansas, wishes to retain the provisions of Section 2.6 of Charter Ordinance No. 38 and exempt itself from the provisions of K.S.A. 12-104(a).

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS, AS FOLLOWS:**

**Section 1.** The City of Hutchinson, Kansas, 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 K.S.A. 12-1040. Such reference provisions are either enactments or a part thereof which are applicable to the city but are not applicable uniformly to all cities.

**Section 2.** The City of Hutchinson, Kansas, continues to operate under the modified Mayor-Council-Manager form of government and pursuant to all existing ordinances and charter ordinances relating to its form of government.

**Section 3.** Those governing body positions with terms that would have expired in April 2017, shall expire on the second Monday in January of 2018, when the councilmembers elected in the November 2017 general election take office. Those governing body positions with terms that would have expired in April 2019, shall expire on the second Monday in January of 2020, when the councilmembers elected in the November 2019 general election take office.

**Section 4.** All elections for the City of Hutchinson, Kansas shall be nonpartisan.

**Section 5.** In accordance with K.S.A. 25-205, and amendments thereto, 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 1% of the qualified electors of the City of Hutchinson.

**Section 6.** The City of Hutchinson, Kansas, 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 K.S.A. 12-104(a). Such reference provisions are either enactments or a part thereof which are applicable to the city but are not applicable uniformly to all cities.

**Section 7.** Section 2.7 Annual Organization Meeting of Charter Ordinance No. 38 of the City of Hutchinson, Kansas, is hereby amended to read as follows:

On the second meeting in January, the governing body shall:

- A. Elect from one of its members by majority vote, a Mayor to serve until the next regular scheduled organization meeting.
- B. Elect from one of its members by majority vote, a Vice Mayor who, in the absence, disability, or disqualification of the Mayor, shall become acting Mayor. Such council member shall retain all voting rights and other prerogatives as a council member while acting as Mayor.

**Section 8.** Existing Section 2.7 Annual Organization Meeting of Charter Ordinance No. 38, is hereby repealed.

**Section 9.** Severability. If a court of competent jurisdiction should hold any section or part of this Charter Ordinance invalid, such holding shall not affect the remainder of this Charter Ordinance nor the context in which such section or part so held invalid may appear, except to the extent that an entire section or part may be inseparably connected in meaning and effect with that section or part.

**Section 10.** This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

**Section 11.** This is a Charter Ordinance and shall take effect sixty-one (61) days after the final publication, unless a sufficient petition for a referendum is filed and a referendum held on this 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 if approved by the majority of the electors voting thereon.

**PASSED** by the Governing Body by not less than two-thirds vote of the members-elect voting in favor thereof, this 3<sup>rd</sup> day of January, 2017.

**CITY OF HUTCHINSON, KANSAS**

Jon Daveline, Mayor

(Seal)

ATTEST:

Karen Weltmer, City Clerk