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CHARTER ORDINANCE NO. 52

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 2.1(A.) COMPOSITION OF CHARTER ORDINANCE NO. 38; AMENDING AND REPEALING EXISTING SECTION 2.7 ANNUAL ORGANIZATION MEETING OF CHARTER ORDINANCE NO. 38 AS MODIFIED BY CHARTER ORDINANCE NO. 51.

WHEREAS, the Kansas Legislature passed L. 2015, Ch. 88 (H.B. 2104), which moved municipal elections to the first Tuesday in August for primary elections and the first Tuesday in November for general elections;

WHEREAS, this same legislation required that the terms of elected municipal officials shall commence on the second Monday in January;

WHEREAS, the Kansas Legislature amended these provisions in 2019 and appearing in K.S.A. 25-2120 to allow commencement dates of elected municipal officials to commence on or after December 1 following the certification of the election and no later than the second Monday in January following certification of the election;

WHEREAS, the second Monday in January does not coincide with any meeting date of the Hutchinson City Council;

WHEREAS, the existing charter ordinance provisions create a gap between the commencement date of the terms of the elected municipal officials and the meeting date following the second Monday of January.

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, has previously elected to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1040 and its predecessor statutes. 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. Section 2.1(A) Composition of Charter Ordinance No. 38 of the City of Hutchinson, Kansas, is hereby amended to read as follows:

Sec. 2.1 Composition

A. The governing body of the City of Hutchinson, Kansas, shall consist of five (5) council members with one (1) elected at large by the City as a whole and four (4) elected by districts. At every regular city election, there shall be elected two district council members for a term of four (4) years each and one (1) council member elected by the city as a whole to a two (2) year term. After every regular City election, terms of newly elected councilmembers shall commence on the first meeting in January.

Section 3. Section 2.7 Annual Organization Meeting of Charter Ordinance No. 38 as amended by Charter Ordinance No. 51 of the City of Hutchinson, Kansas is hereby amended to read as follows:

On the first 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 4. Section 2.1(A) Composition of Charter Ordinance No. 38 as amended by this Charter Ordinance shall appear in the Hutchinson City Code at Section 2-201 Composition; elections of Members (a).

Section 5. Section 2.7 Annual Organization Meeting of Charter Ordinance No. 38 as amended by Charter Ordinance No. 51 and this Charter Ordinance shall appear at Hutchinson City Code Section 2-207 Annual Organization Meeting.

Section 6. Existing Section 2.1(A) Composition of Charter Ordinance No. 38, is hereby repealed.

Section 7. Section 2.7 Annual Organization Meeting of Charter Ordinance No. 38 as amended by Charter Ordinance No. 51, is hereby repealed.

Section 8. All Charter Ordinances heretofore adopted by the City of Hutchinson, Kansas, the provisions of which are inconsistent herewith, are 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 16th day of March, 2021.

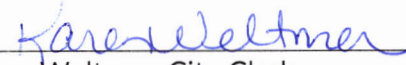
CITY OF HUTCHINSON, KANSAS



Steven Garza, Mayor



ATTEST:



Karen Weltmer, City Clerk

AFFIDAVIT OF PUBLICATION : 654983

STATE OF KANSAS, COUNTY OF RENO, SS:

Dawn Schnepf

of lawful age, being first duly sworn, deposeth and saith, he/she is Legal Representative of

The Hutchinson News

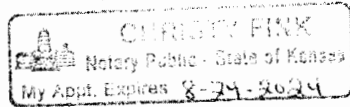
a daily newspaper printed and published in the city of Hutchinson, Reno County, Kansas, and not a trade, religious, or fraternal publication, and which newspaper has been entered as second-class mail matter in the United States post office, Hutchinson, Kansas, and which newspaper has been continuously and uninterruptedly published daily for more than fifty weeks a year and has been so published for more than fifty years prior to the first publication of the notice hereinafter mentioned, and that a notice, of which a true copy is hereto attached, was published in the regular and entire Friday issue of said HUTCHINSON NEWS for 2 consecutive weeks, the first being made on the 19th day of March, A.D., 2021, and the last on the 26th day of March, A.D., 2021.

Affiant further says that he/she has personal knowledge of the statements above set forth, and that they are true.

Dawn R. Schnepf

Subscribed and sworn to before me this 29th day of March, A.D., 2021.

Christy Fink
Notary Public.



Printer's Fees, \$939.98

(First published in *The Hutchinson News*, March 19, 2021) 2t

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CITY OF HUTCHINSON, KANSAS
Steven Garza, Mayor

(Seal)
ATTEST:
Karen Weltmer, City Clerk

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