

Passed: 09/25/07
Published: 10/03/07
Published: 10/10/07

CHARTER ORDINANCE NO. 45

A CHARTER ORDINANCE PROVIDING FOR SELECTION AND APPOINTMENT OF A CITY MANAGER AND MUNICIPAL JUDGE; PROVIDING FOR APPOINTMENT OF MEMBERS TO CITY BOARDS AND COMMISSIONS; AND REPEALING ORIGINAL §§2, 3 AND 6 OF CHARTER ORDINANCE NO. 16, ORIGINAL §§ 1 AND 2 OF CHARTER ORDINANCE NO. 36 AS HERETOFORE AMENDED, AND CHARTER ORDINANCE NO. 44.

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

Section 1. Qualifications, Selection, Appointment and Tenure of City Manager; Appointment of Acting City Manager. a. The Governing Body shall select and by majority vote appoint a City Manager to perform the duties and exercise the authority of such position as set forth in the charter ordinances and ordinances of the City and the laws of the state of Kansas. The compensation, benefits and other terms and conditions of employment of the City Manager shall be established pursuant to a written contract, which may be from time to time amended. The City Manager shall, consistent with the terms of such contract, serve at the pleasure of the Governing Body.

b. The City Manager shall be chosen on the basis of administrative ability and professional competence. The City Manager need not be a resident of the City when appointed and, at the discretion of the Governing Body, need not be a resident of the City during his or her tenure.

c. During any period of disability or extended absence of the City Manager, the Governing Body shall by majority vote appoint an acting city manager.

Section 2. Selection, Appointment and Tenure of Municipal Judge. The Governing Body shall select and by majority vote appoint a Judge of the Municipal Court to perform the duties and exercise the authority of such position as set forth in the ordinances of the City and the laws of the state of Kansas. The Judge of the Municipal Court shall serve until a successor is appointed and qualified; provided, that the Judge of the Municipal Court may be removed for cause by majority vote of the Governing Body.

Section 3. Appointments to Boards and Commissions. The Mayor shall, with majority approval of the Council, appoint all members of City boards and commissions. Regular appointments shall be made during the second meeting in April of each year. Except as otherwise provided by ordinance, all such appointees shall hold office for a period of one year or until his or her successor is appointed and qualified.

Section 4. Qualifications for Appointed Officers and Employees a. Except as otherwise prescribed by state law or local ordinance, all officers, employees and others appointed by the Mayor, the Governing Body or the City Manager shall be residents of Sedgwick County or an adjoining county.

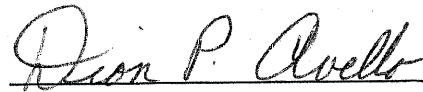
b. The employment of all officers and employees appointed by the City Manager may be terminated at any time with or without cause; provided, that any such termination shall be subject to the provisions of the City's personnel policy manual or any applicable memorandum of agreement negotiated pursuant to K.S.A. 75-4321 *et seq.*

Section 5. Repealer. §§2, 3 and 6 of Charter Ordinance no. 16, §§1 and 2 of Charter Ordinance no. 36 as heretofore amended, and Charter Ordinance no. 44 are hereby repealed.

Section 6. Publication. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

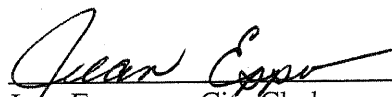
Section 7. Effective Date. This is a Charter Ordinance, and shall take effect sixty-one days after final publication, unless a sufficient petition for a referendum is filed and a referendum held on the ordinance, as provided in Article 12, Section 5, Subdivision C (3) of the Constitution of the State of Kansas, in which case, the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elect voting in favor thereof, this 25th day of September, 2007.



Dion P. Avello, Mayor

ATTEST:



Jean Epperson, City Clerk