

Passed: February 23, 2016
Published: February 26, 2016
March 2, 2016

CHARTER ORDINANCE NO. 52

A CHARTER ORDINANCE EXEMPTING THE CITY OF DERBY, KANSAS FROM THE PROVISIONS OF K.S.A. 14-201, K.S.A. 14-205, K.S.A. 14-301, K.S.A. 14-306, K.S.A. 14-307, K.S.A. 14-537, K.S.A. 12-1222, K.S.A. 12-1503, and K.S.A. 12-16,128 RELATING TO THE POWERS OF THE MAYOR AND THE COUNCIL REGARDING THE MAYOR'S AUTHORITY TO VOTE; APPOINTMENT OF THE MUNICIPAL JUDGE; and ESTABLISHMENT AND APPOINTMENTS TO BOARDS AND COMMISSIONS; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS; AND REPEALING IN THEIR ENTIRETY CHARTER ORDINANCE NOS. 10, 11, 14, 40, and 47; AND REPEALING SECTION 7 OF CHARTER ORDINANCE No. 16; AND REPEALING SECTIONS 2 and 3 of CHARTER ORDINANCE No. 45; AND FURTHER REPEALING ANY PREVIOUSLY UNREPEALED PROVISIONS OF CHARTER ORDINANCE NOS. 13, 19, 30, 31, 36, and 44.

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

Section 1. The City of Derby, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 14-201, K.S.A. 14-205, K.S.A. 14-301, K.S.A. 14-306, K.S.A. 14-307, K.S.A. 14-537, K.S.A. 12-1222, K.S.A. 12-1503, and K.S.A. 12-16,128 that apply to this city, but are part of enactments which do not apply uniformly to all cities.

Section 2. Powers of Mayor.

(a) The Mayor shall preside at all meetings of the city council and shall have a casting vote when the council is equally divided and none other, except as specifically provided herein.

(b) The Mayor shall vote on charter ordinances of the City, appointment of the Municipal Judge, and employment of the City Manager.

Section 3. 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 by majority vote of the Governing Body.

Section 4. 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 in April of each year. Except as otherwise provided by ordinary ordinance of the City, all such appointees shall hold office for a period of one year or until his or her successor is appointed and qualified.

Section 5. Library Board. The City of Derby elects to and does exempt itself and make inapplicable to it K.S.A. 12-1222 and any amendments thereto, and K.S.A. 12-16,128 and any amendments thereto which are enactments, or parts thereof, which are not uniformly applicable to all cities and are therefore subject to the City's Home Rule Authority pursuant to Article 12, Section 5 of the Constitution of the State of Kansas. The Governing Body already has or desires to provide substitute and additional provisions regarding these matters by ordinary ordinance, thereby allowing the City to modify, amend or repeal those ordinances in accordance with state law as the City Council deems appropriate.

Section 6. Parks and Urban Forestry Board. The City of Derby elects to and does exempt itself and make inapplicable to it K.S.A. 14-537 and any amendments thereto which is an enactment, or part thereof, which is not uniformly applicable to all cities and is therefore subject to the City's Home Rule Authority pursuant to Article 12, Section 5 of the Constitution of the State of Kansas. The Governing Body already has or desires to provide substitute and additional provisions regarding these matters by ordinary ordinance, thereby allowing the City to modify, amend or repeal those ordinances in accordance with state law as the City Council deems appropriate.

Section 7. Board of Construction, Trades, and Appeals. The City of Derby elects to and does exempt itself and make inapplicable to it K.S.A. 12-1503 and any amendments thereto which is an enactment, or part thereof, which is not uniformly applicable to all cities and is therefore subject to the City's Home Rule Authority pursuant to Article 12, Section 5 of the Constitution of the State of Kansas. The Governing Body already has or desires to provide substitute and additional provisions regarding these matters by ordinary ordinance, thereby allowing the City to modify, amend or repeal those ordinances in accordance with state law as the City Council deems appropriate.

Section 8. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 10 is hereby repealed.

Section 9. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 11 is hereby repealed.

Section 10. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 13 is hereby repealed.

Section 11. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 14 is hereby repealed.

Section 12. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 19 is hereby repealed.

Section 13. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 30 is hereby repealed.

Section 14. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 31 is hereby repealed.

Section 15. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 36 is hereby repealed.

Section 16. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 40 is hereby repealed.

Section 17. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 44 is hereby repealed.

Section 18. Upon the effective date of this Charter Ordinance, Charter Ordinance No. 47 is hereby repealed.

Section 19. Upon the effective date of this Charter Ordinance, Section 7 of Charter Ordinance No. 16 is hereby repealed.

Section 20. Upon the effective date of this Charter Ordinance, Sections 2 and 3 of Charter Ordinance No. 45 are hereby repealed.

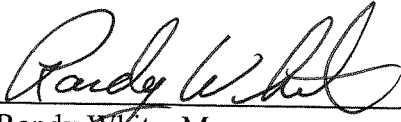
Section 21. In the event any portion or section of this Charter Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Charter Ordinance.

Section 22. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

Section 23. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the Charter Ordinance as provided in Article XII, Section V, Subsection (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.

Section 24. Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in the record of Charter Ordinances of the City and a copy shall be filed with the Kansas Secretary of State.

PASSED BY THE GOVERNING BODY this 23rd day of February, 2016, not less than two-thirds of the members-elect voting in favor thereof, and **SIGNED** by the Mayor.



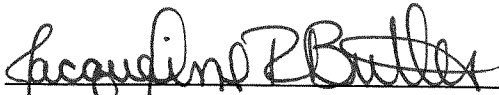
Randy White, Mayor

Attest:



Karen Friend, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney