CHARTER ORDINANCE NO. 24

A CHARTER ORDINANCE EXEMPTING THE CITY OF FAIRWAY, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-103, K.S.A. 14-201, K.S.A. 14-205, K.S.A. 19-2646, AND K.S.A. 25-2108a, RELATING TO THE CREATION OF WARDS, THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE APPOINTMENT OF OFFICERS, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 7, CHARTER ORDINANCE NO. 17, AND CHARTER ORDINANCE NO. 21.

Section 1. The City of Fairway, 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. 14-103, K.S.A. 14-201, K.S.A. 14-205, K.S.A. 19-2646, and K.S.A. 25-2108a, that apply to this city, but are parts of enactments which do not apply uniformly to all cities.

Section 2. The City of Fairway shall be divided into four wards which shall be established by ordinance. The wards shall be as equal in population as possible and the territory of each ward shall be contiguous and compact. No ordinance redefining wards shall become effective less than 30 days prior to the next regular city election.

Section 3. The Governing Body of the City of Fairway shall consist of a Mayor and eight Council Members, two Council Members from each ward. The Mayor and Council Members shall have terms of four years and until successors are elected and qualified.

Section 4. The terms of Governing Body positions expiring in April 2017, shall be extended till and expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. The terms of Governing Body positions expiring in April 2019, shall be extended till and expire on the second Monday In January of 2020, when the city officials elected in the November 2019 general election take office.

Section 5. A general election of city officers shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections shall be held every two years on the Tuesday succeeding the first Monday in November for all Governing Body positions having a term that expires on the second Monday of the immediately following January.

Section 6. The Mayor shall, by and with the consent of the City Council, appoint a Municipal Judge of the Municipal Court, a Chief of Police, a City Clerk, a City Attorney, and may appoint a City Engineer, police officers and any other officers deemed necessary. Officers appointed and confirmed shall hold an initial term of office of not to exceed one year and until their successors are appointed and qualified. The council shall by ordinance specify the duties and compensation of the office holders and by ordinance may abolish any office created by the council whenever deemed expedient. Appointed officers may be removed by the Mayor, by and with the consent of the City Council or upon a motion by a member of the City Council that is adopted by at least a 2/3 majority vote of the City Council.

Section 7. All elected officers shall be qualified electors of the City of Fairway. All appointed officers shall be residents of either the State of Kansas or the State of Missouri and of Douglas County, Kansas, Franklin County, Kansas, or one of the nine counties served by the Mid-America Regional Council, provided that the City Attorney must be admitted to practice law in the State of Kansas and be in good standing, and the City Engineer must hold an active Kansas Professional Engineering license. If any officer shall change residence and no longer meets the residency or professional requirements set forth above, a vacancy shall be created in such office. The Clerk shall enter every appointment to office and the date thereof on the journal of the proceedings. The City Council may require all City officers, elected or appointed, to take and subscribe an oath and give bonds and security for the faithful performance of their duties.

Section 8. No primary election of city officers shall be held unless by holding such primary one or more persons will be eliminated as candidates for office. In the event there are not more than two candidates for any one office, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot. In the event that there are more than two candidates for one office, their names shall appear on the primary election ballots and the two candidates receiving the most votes shall advance to the general election.

Section 9. 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 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 3% of the qualified electors of the City of Fairway, Kansas.

Section 10. All elections for the City of Fairway, Kansas shall be nonpartisan.

Section 11. Charter Ordinance No. 7, Charter Ordinance No. 17, and Charter Ordinance No. 21 are hereby repealed.

Section 12. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 13. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by the majority of electors voting thereon.

Passed by the Governing Body, not less than two –thirds of the members elect voting in favor thereof, this 12th day of September, 2016.

CITY OF FAIRWAY
CORPORATE
SEAL
JOHNSON COUNTY
JUNE 21 1949
STATE OF KANSAS

Jerry Wiley, Mayor

ATTEST:

Kathy Axelson, City Administrator/City Clerk

APPROVED AS TO FORM:

Stephen P. Chinn, City Attorney