CHARTER ORDINANCE NO. 13

A CHARTER ORDINANCE EXEMPTING THE CITY OF NEODESHA KANSAS FROM K.S.A. 12-184, K.S.A. 14-1807, K.S.A. 14-103, K.S.A 14-109, K.S.A. 14-111. K.S.A. 2011 SUPP. 14-201, K.S.A. 14-204, K.S.A. 14-205, K.S.A. 14-207, K.S.A. 14-301, K.S.A. 14-306, K.S.A. 14-307, K.S.A. 14-308, K.S.A. 14-309, K.S.A. 14-310 K.S.A. 14-1204, K.S.A. 14-1305, K.S.A. 14-1306 and K.S.A. 14-1308 RELATING TO THE COMMISSION FORM OF GOVERNMENT, AND THE MAYOR-COUNCIL FORM OF GOVERNMENT; PROVIDING FOR THE ABANDONMENT OF THE COMMISSION FORMS OF GOVERNMENT; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCES 1, 2, 5, 10 AND 12.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA:

Section 1. The City of Neodesha by virtue of the power vested in it by article 12, Section 5 of the Constitution of the State of Kansas hereby elects to and does exempt itself and make inapplicable to it K.S.A. 12-184, K.S.A. 14-1807, K.S.A. 14-103, K.S.A. 14-109, K.S.A. 14-111, K.S.A. 2011 Supp. 14-201, K.S.A. 14-204, K.S.A. 14-205, K.S.A. 14-207, K.S.A. 14-301, K.S.A. 14-306, K.S.A. 14-307, K.S.A. 14-308, K.S.A. 14-309, K.S.A. 14-310, K.S.A. 14-1204, K.S.A. 14-1305, K.S.A. 14-1306 and K.S.A. 14-1308, which apply to this city, but are parts of enactments which do not apply uniformly to all cities.

Section 2. The City of Neodesha hereby abandons its organization under chapter 82 of the Laws of 1909, and the acts amendatory thereto. The organization of the city governing body shall be governed by charter ordinance, ordinary ordinance, and applicable statutes.

Section 3. The governing body of the City of Neodesha shall consist of a mayor elected at large and four city commissioners elected at large. The governing body shall enjoy such powers and responsibilities as conferred by law upon a city of the second class with a mayor-commission form of government except as provided herein. The mayor and each city commissioner shall be a citizen of the United States and a qualified elector of Neodesha. The governing body may create an office of city administrator by ordinary ordinance which shall have such powers and duties as established by ordinance.

Section 4. The mayor shall preside at all meetings of the governing body, sign all ordinances passed by the governing body, have the right to vote as a member of the governing body on all questions which may arise, but the mayor shall have no veto power. In the absence of the mayor, the vice mayor, who shall be a city commissioner and appointed by the governing body, shall preside at meetings of the governing body and sign all ordinances passed at such meetings.

Section 5. A majority of the governing body elect shall constitute a quorum for the conduct of all city business.

Section 6. In case of any vacancy for any cause in the office of mayor or any city commissioner, the remaining members of the governing body shall select an elector of the city to fill the vacancy for the balance of the unexpired term of such office.

Section 7. Except as set out hereinafter, terms of the governing body shall be three (3) years. Present members of the governing body shall serve out their three (3) year terms. The rotation of the governing body shall be as follows:

A. Commencing with the April, 2014 city election there will be three (3) openings in the governing body, including the position elected in April, 2011. The two (2) candidates receiving the most votes shall serve for terms of three (3) years and thereinafter these two (2) positions shall be for three (3) year terms. The candidate receiving the third (3rd) most votes shall serve a one (1) year term until the April, 2015 city election.

B. Commencing with the April, 2015 city election there will be two (2) openings on the governing body, including the position elected in April, 2012 as well as the position serving a one (1) year term as a result of the April, 2014 city election. From and after the April 15, 2015 city election these positions shall be for three (3) year terms.

FAILED

C. The position of Mayor shall be open in the city election in April, 2016 and shall be a three (3) year term position from and after such election.

Section 8. Charter ordinances 1, 2, 5, 10 and 12 are hereby repealed.

Section 9. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 10. This charter ordinance shall take effect if approved by a majority of electors voting thereon at an election called and held as provided in Article 12, Section 5 of the Constitution of the State of Kansas.

PASSED BY THE GOVERNING BODY, NOT LESS THAN TWO-THIRDS OF THE MEMBERS-ELECT VOTING IN FAVOR THEREOF, THE 9th DAY OF JANUARY, 2013.

/s/E DeWayne Prosser

ATTEST: **E. DeWayne Prosser, Mayor**

/s/Bobby Busch

Bobby Busch, City Clerk

CHARTER ORDINANCE 13 DID NOT PASS THE ELECTION HELD ON APRIL 2, 2013. IT FAILED WITH 184 VOTES AGAINST AND 145 VOTES IN FAVOR.

FAILED