

Commissioner Vacancy Procedures

Under the City of Lawrence, Kansas Code

§ 1-201: Governing Body

- The Governing Body shall consist of 5 Commissioners
- When there is a vacancy, a majority of the remaining Commissioners must vote on who will fill the vacancy

§ 1-201.1: Commissioner Qualifications

- The Mayor and all Commissioners must be:
 - A U.S. citizen
 - At least 18 years old
 - A qualified elector of the City of Lawrence, Kansas
 - A resident living inside City limits at the time of appointment and during the term duration.

Method of Selection

- The Code does not address a method of selecting a new Commissioner, leaving discretion to the remaining members.
- **January 1970**
 - Dr. Robert Hughes' resignation from the Lawrence City Commission
 - Remaining Commissioners nominated and selected a former Commissioner and Mayor to replace Hughes on the same day the resignation was received. The new member was sworn in at the next regularly scheduled meeting 3 days later.

Other Kansas Communities

- *Wichita, Kansas* — **Sec. 2.04.040**
 - Remaining members nominate a candidate and vote on a ballot of those nominees. If a majority decision cannot be reached, a candidate is selected by coin toss.
- *Kansas City, Kansas* — **Sec. 2-54**
 - Remaining members receive nominations from the public, then vote on those options.

Other Kansas Communities

- *Olathe, Kansas* — **Sec. 2.08.190**
 - The new member must be either a previous Council member, or any existing member of the City Planning Commission or Board of Zoning Appeals.
- *Topeka, Kansas* — **Sec. 2.15.080**
 - Applications from the public are solicited. Councilmembers interview applicants, then vote to select a new member.

§ 1-202: Mayor

- The Mayor is chosen by the Commission *annually*.
- Mayor's term has by custom been from April to April; Former Mayor Farmer's term as mayor is set to expire April 2016.
 - The new mayor may complete the existing term, or another term as set by the Commission.
- The Mayor votes as a Commissioner, and shall execute formal agreements requiring the Mayor's signature. The Mayor has no administrative duties.

§ 1-203: Vice Mayor

- The Commission chooses the Vice-Mayor *annually*
- If the Mayor is absent from a meeting, absent from the City, or is unable to perform any duties imposed upon the Mayor, the Vice-Mayor becomes *Acting* Mayor and will preside in the Mayor's absence
- The Vice-Mayor is *Acting* Mayor until a new Mayor is selected by the Commission

2015 State Law Update

- House Bill 2104 (effective July 1)
 - Local elections will take place in the fall of odd years. The next election will be held on the Tuesday after the first Monday in November 2017.
 - Any Commission member whose term was to expire at any time in 2017 shall now expire on the second Monday in January 2018, when newly elected officials take office.
 - Cities can determine terms of office (2, 3 or 4 years). Those terms must eventually be codified by ordinance.

2015 State Law Update

- The League of Kansas Municipalities believes HB 2104 addressing vacancies conflicts with existing statutes, and advises that cities may choose to ignore it.
- While HB 2104 establishes that vacancies on governing bodies must be filled within 60 days or a special election must be called, that provision only applies to municipalities that have no procedures for filling vacancies.

Final Comments

- With four remaining Commissioners, the **quorum remains three**
 - If two commissioners discuss a matter privately, it is not considered a meeting.
- To pass an ordinance will require three positive votes.
- Matters on other motions having a 2-2 vote will not pass.
- To pass another matter that requires a super majority by statute, there must be 4 positive votes.

Checklist

- ✓ Establish process to fill vacancy;
- ✓ Establish timeline to fill vacancy;
- ✓ Select Mayor
- ✓ Establish Mayor's Term
- ✓ Select Vice-Mayor (if appropriate)