

ORDINANCE NO. 9233

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, CONCERNING THE GOVERNING BODY REPEALING EXISTING CHAPTER I, ARTICLE 2 AND ENACTING, IN ITS PLACE, CHAPTER I, ARTICLE 2 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2015 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE GOVERNING BODY.

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

**SECTION 1.** Existing Chapter I, Article 2, of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it in its entirety.

**SECTION 2.** The Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended by enacting Chapter I, Article 2, which reads as follows:

**ARTICLE 2. GOVERNING BODY**

1-201 **FORM OF GOVERNMENT.**

In accordance with state law, the City of Lawrence, Kansas, operates under the Commission-Manager form of government.

1-202 **GOVERNING BODY.**

The Governing Body shall consist of five Commissioners. Except as otherwise set forth in this Article, or as the Governing Body may organize itself to conduct business, no distinction shall be made in titles and duties among the Commissioners.

1-203 **SAME; ELIGIBILITY AND QUALIFICATIONS; RESIDENCY.**

Each Commissioner shall be a citizen of the United States, shall be at least eighteen years of age, and shall be a qualified elector of the City. Each Commissioner shall also, at all times, from the time that he or she files to become a candidate for the office of Commissioner through the time that his or her term of office as Commissioner expires, reside within the corporate limits of the City.

1-204 **SAME; CANDIDATE FOR OFFICE OF COMMISSIONER.**

Any person who meets the requirements of Section 1-203 of this Article may become a candidate for the office of Commissioner by filing or by having filed in his or her behalf, with the county election officer, in accordance with K.S.A. 25-205 and K.S.A. 25-2110, and any amendments thereto, (a) a declaration of intention to be a candidate, together with any fee required by law, or (b) a nomination petition signed by 50 qualified electors of the City.

1-205 **SAME; ELECTIONS.**

(a) In accordance with state law, any general election for the office of Commissioner shall be conducted on the Tuesday succeeding the first Monday in November in odd-numbered years.

- (b) In accordance with state law, any primary election for the office of Commissioner shall be conducted on the first Tuesday of August in odd-numbered years.
- (c) All elections for the office of Commissioner shall be non-partisan.

1-206

**SAME; TERMS OF OFFICE; OATHS OF OFFICE.**

- (a) At each general election, held on the Tuesday succeeding the first Monday in November in odd-numbered years, the qualified electors of the City shall elect three Commissioners to the Governing Body. The two candidates who receive the most votes shall each serve a term of office of four years, which term of office shall commence upon taking the oath of office, on or after the second Monday in January immediately following the general election, and shall expire on the second Monday in January four years thereafter. The candidate receiving the third most votes shall serve a term of office of two years, which term of office shall commence upon taking the oath of office, on or after the second Monday in January immediately following the general election, and shall expire on the second Monday in January two years thereafter. Accordingly, every two years, three offices of Commissioner shall be open for election.
  - (i) Effective July 1, 2015, the Kansas legislature transferred all general elections, including those of the City, from April to November of odd-numbered years and all terms of office of municipal officers, including those on the Governing Body, from April to the second Monday in January following the general election. To make that transition, **(A)** those Commissioners, whose terms of office would have expired in April 2017, shall have their terms of office extended until Monday, January 9, 2018 and **(B)** those Commissioners, whose terms of office would have expired in April 2019, shall have their terms of office extended until Monday, January 13, 2020.
  - (ii) Consistent with the foregoing, the term of office of Mayor, which was to expire in April, 2016, shall be extended until Monday, January 9, 2017, and the term of office of Vice-Mayor, which was to expire in April, 2016, shall be extended until Monday, January 9, 2017. Commencing January 9, 2017, the election and terms of office of Mayor and Vice-Mayor shall be as set forth in Sections 1-207 and 1-208 of this Article.
- (b) Before commencing any term of office or assuming any term of office on the Governing Body, each Commissioner shall first take the oath of office. The oath of office shall be administered by the City Clerk, the designee of the City Clerk, or by anyone fulfilling the duties of the City Clerk.

1-207

**SAME; MAYOR.**

At its regular meeting on the second Monday of January of each year, the Governing Body shall elect one Commissioner to serve as Chairperson. The Chairperson shall have the title of Mayor. The Mayor shall preside at all meetings

of the Governing Body, shall retain the authority to vote and to take all actions accorded Commissioners, and shall execute all ordinances, agreements, and other documents requiring the signature of the Mayor. The Mayor shall have no administrative duties. The Commissioner selected as Mayor shall serve in that capacity for a period of one year, commencing on the second Monday of January, when he or she is elected Mayor, and expiring on the second Monday of January of the succeeding year.

1-208

**SAME; VICE-MAYOR.**

At its regular meeting on the second Monday of January of each year, the Governing Body shall elect one Commissioner to serve as Vice-Chairperson. The Vice-Chairperson shall have the title of Vice-Mayor. In the absence of the Mayor from any meeting, the Vice-Mayor shall preside. If the Mayor is absent from the City or if the Mayor is incapacitated or is otherwise unable to perform the duties of Mayor, then the Vice-Mayor shall be accorded the title of Acting Mayor and shall perform and exercise the duties of Mayor. The Commissioner selected as Vice-Mayor shall serve in that capacity for a period of one year, commencing on the second Monday of January, when he or she is selected Vice-Mayor, and expiring on the second Monday of January of the succeeding year.

1-209

**SAME; SALARIES.**

The Commissioner serving as Mayor shall receive an annual salary of \$10,000.00. The remaining Commissioners each shall receive an annual salary of \$9,000.00.

1-210

**SAME; OPEN MEETINGS; QUORUM.**

All regular meetings and special meetings of the Governing Body shall be open to the public. Three Commissioners shall constitute a quorum of the Governing Body for the purpose of transacting official business. No ordinance shall be passed by the Governing Body except by an affirmative vote of three Commissioners.

1-211

**SAME; CITY MANAGER.**

The Governing Body shall provide for such offices as shall be necessary to carry out the provisions of the law and determine salaries for the same. It shall appoint a City Manager as hereinafter provided and shall be responsible for his or her efficient administration of the City's business.

1-212

**SAME; ADMINISTRATIVE DEPARTMENTS.**

Administrative departments shall be created by the Governing Body as the public business may demand and as provided by state statutes.

1-213

**SAME; BOARDS AND COMMISSIONS.**

Whenever authorized to do so by state law or the ordinances of the City, the Governing Body shall appoint members of various City Boards and Commissions.

1-214

**BONDS OF COMMISSIONERS.**

Commissioners shall serve without posting a surety bond. In lieu of a bond, the City shall purchase a policy of insurance for the Commissioners to protect the

City from any loss caused by neglect of duty, misfeasance in office, malfeasance in office, or misappropriation of City funds.

**SECTION 3.** If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.


**SECTION 4.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this 17<sup>TH</sup> day of May, 2016.

**APPROVED:**

  
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Mike Amyx, Mayor

**ATTEST:**

  
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Sherri Riedemann, City Clerk

**APPROVED AS TO FORM:**

  
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Toni R. Wheeler, City Attorney