

(First Published in The Cunningham Courier, the official City newspaper, January 12, 2017)2t

## **CHARTER ORDINANCE NO. 17-01**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF CUNNINGHAM, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF THE GOVERNING BODY, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, AND NOMINATION PETITIONS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 221.**

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

**Section 1.** The City of Cunningham, 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. 15-201, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

**Section 2.** The governing body shall consist of a mayor and five council members to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Cunningham, Kansas.

**Section 3.** Those governing body positions with terms expiring in April 2017, shall expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April 2019, shall expire on the second Monday in January of 2020, when the city officials elected in the November 2019 general election take office.

**Section 4.** General elections shall take place on the Tuesday succeeding the first Monday in November 2017, and succeeding general elections will be held every two (2) years on the Tuesday succeeding the first Monday in November for all such governing body positions whose terms have expired. A mayor and two council members shall be elected at one election and the remaining three council members shall be elected at the succeeding election. The mayor and all council members shall have four (4) year terms.

**Section 5.** The term of office for newly elected and qualified members of the governing body positions shall commence on the second Monday of January following certification of the November general election. The mayor and council members shall hold office until their successors are elected and qualified.

**Section 6.** In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining

council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

**Section 7.** In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

**Section 8.** All elections for the City of Cunningham, Kansas shall be nonpartisan.

**Section 9.** In accordance with K.S.A. 25-205 and K.S.A. 25-2110, and amendments thereto, any person may become a candidate for city office elected at large by having had 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 two percent (2%) of the qualified electors of the City of Cunningham.

**Section 10.** Charter Ordinance 221 shall hereby be repealed with the passage of this Charter Ordinance.

**Section 11.** This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**Section 12.** 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 the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 6<sup>th</sup> day of January 2017.

Governing Body of the City of Cunningham

  
\_\_\_\_\_  
Aaron Murphy, Mayor

Attest:

  
\_\_\_\_\_  
David Steffen, City Clerk

[SEAL]

