

CHARTER ORDINANCE NO. EIGHTY-NINE

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 2.5 OF CHARTER ORDINANCE NO. EIGHTY-FOUR RELATING TO FILLING VACANCIES IN OFFICE OF MAYOR AND COUNCIL MEMBER.

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

SECTION 1. Section 2.5 of Charter Ordinance No. Eighty-Four of the City of Overland Park be and the same is hereby amended to read as follows:

Section 2.5. Filling vacancies in office of mayor and council member.

A. The mayor and council members shall remain in office until their successors have been duly elected and qualified. When there is a vacancy in the position of mayor, the president of the council shall serve as acting Mayor until the Council elects a member to serve as Mayor. The Council shall elect a member to serve as Mayor within thirty days of the vacancy in the office of Mayor. If such vacancy occurs before January 1 of an odd-numbered year leaving an unexpired term of more than two (2) years from said January 1, such successor shall serve in such position until a special election is held at the same time as the next regular city primary and general election. Such special election shall be held for the purpose of electing a replacement mayor to serve in such position for the remainder of the unexpired term. Such special election shall be held in the same manner as if the term were expiring and the term of the successor shall end upon election of a mayor for the unexpired term. In all other cases, the successor shall serve the remainder of the unexpired term. Any vacancy on the Council created by the Council's election of a member to the position of Mayor would be filled in accordance with the provisions of this Section

B. Should the president of the council be elected mayor in accordance with the provisions of this Section, there shall be a vacancy in the position of council president, which shall be filled by the remaining members of the council pursuant to Section 2.4, above, no later than the first regular council meeting following the date of occurrence of the vacancy. When the president of the council becomes mayor, there also shall be a vacancy in such council member's position on the council. Whenever a vacancy occurs for any reason in the position of council member, a screening committee composed of the mayor, president of the council and chair of the Finance, Administration and Economic Development Committee of the council shall recommend to the remaining members of the committee of the whole of the council and the mayor not to exceed two (2) persons as potential replacements within thirty (30) days from the date the vacancy is declared to have occurred by the members of the council remaining after the vacancy. The remaining members of the council and the mayor shall so declare a vacancy to have occurred at the first regular council meeting following the date of occurrence of the vacancy. Upon receipt of such recommendation from the screening committee, the committee of the whole of the council, by majority vote of the remaining members thereof and the mayor, may recommend to the remaining members of the council and the mayor either recommended replacement or may reject both such recommended replacements. Should the remaining

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members of the committee of the whole of the council and the mayor reject both such recommended replacements, the screening committee shall make a second recommendation of not to exceed two (2) persons other than the two persons originally recommended, as potential replacements for consideration by the remaining members of the committee of the whole of the council and the mayor within fifteen (15) days of such rejection. Upon receipt of the second recommendation from the screening committee, the committee of the whole of the council, by majority vote of the remaining members thereof and the mayor, may recommend to the remaining members of the council and the mayor either such recommended replacement or may reject both such recommended replacements. Should the remaining members of the committee of the whole of the council and the mayor reject both such recommended replacements, the council, by majority vote of the remaining members thereof and the mayor, shall appoint an elector qualified to fill the vacant position.

C. If such vacancy occurs in the position of council member before January 1 of an odd-numbered year leaving an unexpired term of more than two (2) years from said January 1, such appointed replacement shall serve in such position until a special election is held at the same time as the next regular city primary and general election. Such special election shall be held for the purpose of electing a replacement to serve in such position for the remainder of the unexpired term. Such special election shall be held in the same manner as if the term were expiring and the term of the appointed member, if any, shall end upon election of a member for the unexpired term. In all other cases, the appointed replacement shall serve the remainder of the unexpired term.

SECTION 2. Existing Section 2.5 of Charter Ordinance No. Eighty-Four is hereby repealed.

SECTION 3. This ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official City newspaper.

SECTION 4. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OVERLAND PARK EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF OVERLAND PARK DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

PASSED by the Governing Body not less than two-thirds of the members elect voting in favor thereof the 16th day of October, 2006.

(s) Carl Gerlach

Carl Gerlach, Mayor

ATTEST:

(s) Marian Cook
Marian Cook
City Clerk

APPROVED AS TO FORM:

(s) Robert J. Watson
Robert J. Watson
City Attorney

Passed: October 16, 2006
Published: October 26, 2006
November 9, 2006
November 16, 2006
61 days: January 16, 2007
Effective: January 16, 2007

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