

CHARTER ORDINANCE NO. FORTY

*(Note: All or parts of this charter ordinance have been repealed. See notes at the end of the ordinance.)*

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 9 OF CHARTER ORDINANCE NO. THIRTY-FOUR RELATING TO VACANCIES ON THE COUNCIL AND PROVIDING A METHOD FOR FILLING SUCH VACANCIES.

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

\*SECTION 1. Section 9 of Charter Ordinance No. 34 of the City of Overland Park, Kansas, be and the same is hereby amended to read as follows:

SECTION 9. FILLING VACANCY IN OFFICE OF MAYOR AND COUNCILMEMBER.

- (a) The Mayor and Councilmembers shall remain in office until their successors have been duly elected and qualified. When there is a vacancy in the office of Mayor, the president of the Council, upon being qualified, shall become Mayor and shall serve in such office until the next regular City election and a successor has been duly elected and qualified. If the Mayor who vacated the office had a term which would not expire at such regular City election, then the successor elected at such regular City election is elected to serve such unexpired term.
  
- (b) When the president of the Council becomes Mayor, there shall be a vacancy of such Councilmember's office on the City Council. Whenever a vacancy occurs for any reason in the office of Councilmember, the precinct committee persons who represent the precincts located within the ward from which the vacating Councilmember was elected, and who were elected by the political party of the vacating Councilmember, shall recommend a replacement to the Council. Such recommendation shall be communicated to the Council by the party's City chairman. Upon receipt of such recommendation, the Council by majority vote of the remaining members thereof may either appoint such recommended replacement or may reject such recommended replacement. Should the remaining members of the Council reject such recommended replacement, the precinct committee persons shall recommend another person for Council consideration, and shall continue to make recommendations successively until the remaining members of the Council have appointed a replacement. The appointed replacement shall serve in such office until the next regular City election and until a successor has been duly elected and qualified. If the Councilmember who vacated the office had a term which would not expire at such regular City election, then the successor elected at such regular City election is elected to serve such unexpired term.

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- (c) In the event the Councilmember who vacates his office is an independent who belongs to no organized political party, the vacancy shall be filled by a majority vote of the remaining Councilmembers and thereafter such person shall serve in such office until the next regular City election and a successor has been duly elected and qualified. If the Councilmember who vacated the office had a term which would not expire at such regular City election, then the successor elected at such regular City election is elected to serve such unexpired term.

SECTION 2. Existing Section 9 of Charter Ordinance No. Thirty-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 sixty-one days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective as 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 20th day of April, 1987.

Ed Eilert, Mayor

ATTEST:

Bernice Crummett, City Clerk

APPROVED AS TO FORM:

John S. Anderson

Assistant City Attorney

Passed: 4/20/87

Published: 4/24/87

5/1/87

Effective: 7/1/87

*\*Section 1 repealed by Charter Ordinance No. Forty-Nine  
Entire ordinance repealed by Charter Ordinance No. Eighty-Four.*