

CHARTER ORDINANCE NO. ONE

(Note: All or parts of this charter ordinance have been repealed.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

CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM SECTION 12-1036b, 12-1036c, 12-1036f, OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, PROVIDING FOR ELECTION OF MAYOR AND TEN COUNCILMEN, ELECTION OF PRESIDENT OF COUNCIL, TIE VOTE, TERMS OF OFFICE AND VACANCIES, DIVISION OF CITY INTO FIVE DISTRICTS AND ADJUSTMENT OF SAID DISTRICTS, POWERS AND DUTIES OF MAYOR, SPECIAL MEETINGS.

Be it Ordained by the Governing Body of the City of Overland Park, Kansas:

SECTION 1. The City of Overland Park, Kansas, a Mayor-Council city of the first class, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and exempts itself from and makes inapplicable to it Section 12-1036b, 12-1036c, 12-1036d, and 12-1036f of the 1961 Supplement to the General Statutes of Kansas, 1949, said sections being part of Chapter 101 of the Laws of Kansas, 1961, but apply only to Mayor-Council-City Manager cities of the first class, and to provide substitute and additional provisions as hereinafter provided.

*SECTION 2. The Governing Body shall consist of a mayor elected by the city as a whole and ten councilmen elected by districts as hereinafter provided. Qualifications, oaths and bonds of the mayor and councilmen shall be as provided in the general laws establishing and relating to the mayor-council form in cities of the first class. After every regular city election, the council shall elect one of its members as president of the council who, in the absence or disability of the mayor, shall become acting mayor: Provided, That such councilman shall retain all his voting rights and other prerogatives as councilman while acting as mayor. All powers now exercised by cities of the first class which are not inconsistent with this charter ordinance, or which shall hereafter be conferred upon them shall be exercised by the governing body herein provided for: Provided, That any ordinance shall be passed by a vote of six councilmen unless a greater number of votes are specifically required by another provision of law: Provided, That where the number of favorable votes is one less than required, the mayor shall have the power to cast the deciding vote in favor of the ordinance: Provided, That any resolution, motion or any other action of the governing body except charter ordinances, upon which the mayor's vote shall be counted on every occasion, shall be passed by a majority vote of the councilmen present, and where the number of favorable votes is one less than required, the mayor shall have the power to cast the deciding vote in favor of the resolution, motion or other action.

**SECTION 3. The city shall be divided into five districts, to be numbered one through five; said districts shall have the same boundaries as the present five districts of the city except that Precinct One (1) of Ward Five (5) shall be added to Ward Two (2) and detached from Ward Five

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(5) and be numbered as Precinct Six (6) of Ward Two (2). The precincts in Ward Five (5) shall be renumbered One (1) through Seven (7). Dividing lines between districts shall follow precinct boundaries. The governing body of the city may, by ordinance, adjust the district boundaries to reflect approximate equal population in December of 1964 and in December every two (2) years thereafter but shall adjust these boundaries in December every four (4) years thereafter.

***SECTION 4. At the first regular city election following the adoption of this charter ordinance, a mayor shall be elected and two councilmen shall be elected by each of the five districts within the city. At such election, from each district, there shall be one councilman elected for a term of one year, and one councilman elected for a term of two years. Thereafter, each councilman shall be elected for a term of two years so that each district shall elect one councilman each year. The mayor shall hold office for a term of two years, and the mayor and councilmen 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 until the next city election and, as the case may be, until a mayor has been duly elected for a full term and has qualified: Provided, That when the president of the council becomes mayor there shall be a vacancy in the city council. A vacancy in the office of councilman shall be filled by the council, as the case may be, until the next regular city election and a councilman has been duly elected for the unexpired two-year term and has qualified, or until the next regular city election and a councilman has been duly elected for a full term and has qualified.

****SECTION 5. The mayor shall be the titular head of the city and shall preside at all meetings of the council. He shall sign all ordinances and resolutions passed by the council: Provided, that he shall have the power to veto any ordinance or resolution passed by the governing body except a charter ordinance. Any ordinance or resolution vetoed by the mayor may be passed over the veto by the vote of four-fifths of the whole number of the councilmen elect notwithstanding the veto; and if the mayor has failed to sign or veto such ordinance or resolution by the second regular meeting following the adoption of such ordinance or resolution, the same shall take effect without his signature. It shall be the duty of the mayor to sign all contracts authorized by the governing body before the city shall be liable thereon. He shall represent the city governing body at all official city functions and shall be the official representative of the governing body at all meetings, conferences and negotiations relating to policy matters involving other governmental units and shall recommend council action relating thereto. He shall be the official representative of the governing body at all conferences and meetings with citizen's groups and organizations interested in promoting the welfare and development of the city and shall recommend council action relative thereto. He may annually communicate to the council in writing such information as he may possess with reference to the condition of the city, and recommend such measures as he may deem necessary and expedient. He may inform the council concerning questions of policy, and may make policy recommendations to the council.

SECTION 6. This ordinance shall be published once each week for two consecutive weeks in the official newspaper.

SECTION 7. This is a charter ordinance and shall take effect sixty-one (61) 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 THIRD DAY OF DECEMBER, 1962.

(SEAL)

Roy L. Owen, Mayor

ATTEST:
Bernice Heck, City Clerk

Passed: 12-3-62
Published: 12-12-62
12-19-62
Effective: 2-18-63

** Section 2 repealed by Charter Ordinance No. One-C*
*** Section 3 repealed by Charter Ordinance No. Thirty-Four*
**** Section 4 repealed by Charter Ordinance No. One-A and One-B*
***** Section 5 repealed by Charter Ordinance No. Four*
Entire ordinance repealed by Charter Ordinance No. Thirty-Four

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