

CHARTER ORDINANCE NO. THIRTY-FOUR

(Note: All or parts of this charter ordinance have been repealed.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

A CHARTER ORDINANCE AUTHORIZED BY ARTICLE XII, SECTION 5 SUB-PARAGRAPH (e) OF THE KANSAS CONSTITUTION, EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM SECTIONS 12-1036b, 12-1036c, 12-1036d, AND 12-1036f, OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949: AND SECTIONS 25-2107 1969 SUPPLEMENT, 25-2108a 1982 SUPPLEMENT, 25-2109 1982 SUPPLEMENT; AND FURTHER EXEMPTING SAID CITY FROM THE PROVISIONS OF K.S.A. 13-304 1969 SUPPLEMENT; PROVIDING SUBSTITUTE PROVISIONS THEREFOR; PROVIDING FOR ELECTION OF MAYOR AND TEN COUNCILMEMBERS, ELECTION OF PRESIDENT OF COUNCIL, TIE VOTE, TERMS OF OFFICE AND VACANCIES, DIVISION OF CITY INTO FIVE WARDS, AND ADJUSTMENT OF SAID WARDS, POWERS AND DUTIES OF MAYOR. REPEALING CHARTER ORDINANCES NOS. ONE, FOUR, THIRTEEN, SIXTEEN, TWENTY-FIVE AND TWENTY-EIGHT.

BE IT ORDAINED BY THE GOVERNING 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 Sections 12-1036b, 12-1036c, 12-1036d and 12-1036f of the 1961 Supplement to the General Statutes of Kansas, 1949; and Sections 25-2107 1969 Supplement, 25-2108a 1982 Supplement, 25-2109 1982 Supplement; 13-304 1969 Supplement and provides substitute and additional provisions as hereinafter provided.

***SECTION 2. MEMBERS-PRESIDENT OF COUNCIL-POWERS AND DUTIES OF GOVERNING BODY.**

The Governing Body shall consist of a Mayor elected by the City as a whole and ten Councilmembers elected by wards as hereinafter provided. Qualifications, oaths and bonds of the Mayor and Councilmembers shall be as provided in the general laws establishing and relating to the Mayor-Council form in cities of the first class. On the second Monday after the first Tuesday in the month of April of each year, the Council shall elect, by majority of votes cast by signed written ballot, 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 Councilmember shall retain all his voting rights and other prerogatives as Councilmember 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 Councilmembers 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

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the Councilmembers 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. WARDS.**

The City shall be divided into five wards to be numbered one through five. Dividing lines between wards shall follow precinct boundaries. The Governing Body of the City shall, by ordinance, adjust the ward boundaries to reflect approximately equal population in December of 1985 and may likewise adjust ward boundaries in December every two years thereafter but shall adjust these boundaries in December every four years thereafter.

*****SECTION 4. ELECTION OF OFFICERS AND TERMS OF OFFICE.**

In the year 1971 there shall be elected a Mayor from the City at Large and five Councilmembers to succeed to the offices held by those members elected in April, 1968, and such officers, including the Mayor, shall hold office for a two-year term expiring in 1973. Thereafter, all such officers so elected shall hold their office for four years and until their successors are elected and qualified.

Those Councilmembers elected in 1969 shall have terms expiring in 1972 and shall in 1972 stand for election to a three-year term expiring in 1975. Thereafter, all such officers elected in 1975 shall hold their office for a term of four years and until their successors are elected and qualified.

SECTION 5. DATE OF GENERAL ELECTION.

The general election of the City officers provided for hereinabove shall be held on the first Tuesday in April of every odd-numbered year.

*****SECTION 6. DATE OF PRIMARY ELECTION.**

The primary election of the City officers shall be on the Tuesday preceding by five weeks the first Tuesday in April of every odd-numbered year.

No primary election of City officers shall be held unless by holding such primary one or more persons will be eliminated as candidates for an office. In the event that there is not more than one candidate for each party nomination for any one office, the name of the candidate for such office shall not appear on the primary election ballot and there shall be no primary election for such party nomination for such office, but the name of such candidate shall be placed on the general City election ballot.

SECTION 7. FILING DEADLINE FOR CITY ELECTION.

The filing deadline for all City elections shall be twelve noon of the Tuesday preceding by ten weeks the first Tuesday in April of each election year.

*******SECTION 8. DUTIES OF THE MAYOR.**

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 Council, except the Mayor shall have no power to veto a Charter Ordinance, or appointments by the Council for

vacancies on the Council. Any ordinance or resolution vetoed by the Mayor may be passed over the veto by the vote of two-thirds of the whole number of the Councilmembers-elect, notwithstanding the veto; and if the Mayor has failed to sign or veto such ordinance or resolution by the first 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 citizens' 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 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. A vacancy for any reason in the office of Councilmember shall be filled by the Council from a recommendation submitted to the Council by the precinct committee people from the political party represented by the Councilmember whose office is vacated and such recommendation shall be communicated to the Council by the party's City chairman 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.

- (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.

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SECTION 10. Charter Ordinances Nos. One, Four, Thirteen, Sixteen, Twenty-Five, and Twenty-Eight are hereby repealed.

SECTION 11. This ordinance shall be published once each week for two consecutive weeks in the Overland Park Sun, an official City newspaper.

SECTION 12. 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 10th day of September, 1984.

Ed Eilert, Mayor

ATTEST:

Bernice Crummett, City Clerk

APPROVED AS TO FORM:

Jane Neff-Brain

Assistant City Attorney

Passed:	9/10/84
Published:	9/14/84
	9/21/84
Effective:	11/20/84

**Section 2 repealed by Charter Ordinance No. Fifty-Four*

***Section 3 repealed by Charter Ordinance No. Forty-Seven*

****Section 4 repealed by Charter Ordinance No. Seventy-Seven*

*****Section 6 repealed by Charter Ordinance Nos. Seventy-Six and Seventy-Seven*

******Section 8 repealed by Charter Ordinance No. Seventy-Eight*

******Section 9 repealed by Charter Ordinance No. Forty*

Entire ordinance repealed by Charter Ordinance No. Eighty-Four.