

CITY OF HIGHLAND, KANSAS
CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF HIGHLAND, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, NOMINATION PETITIONS, AND PROVIDING FOR NONPARTISAN ELECTIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 7 OF SAID CITY.

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

WHEREAS, the City passed Charter Ordinance No. 7 in response to the 2015 Kansas Legislature's passing of House Bill 2104, which made many changes to the state's election laws;

WHEREAS, in the 2019 legislative session, the state legislature passed Senate Bill 105 which allows a city to determine the start date of a regular term of office following a city election, provided that such date is not earlier than December 1, and not later than the second Monday in January, following the certification of the election;

WHEREAS, the City believes it appropriate to amend Charter Ordinance No. 7 to provide the starting date for the terms of Mayor and Councilmembers to begin at the first regular council meeting in December of the same year of any such election, and for certain other changes as provided herein.

Section 1. The City of Highland, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution, hereby elects to and does exempt itself from, and make inapplicable to it, the provisions of K.S.A. 15-201, which applies to this city, but which is part of an enactment which does not apply uniformly to all cities.

Section 2. The governing body of the City shall continue to 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 Highland, Kansas.

Section 3. Those governing body positions (3 council positions) with terms originally set to expire in April 2017, expired on the second Monday in January of 2018, when the city officials elected in the November 2017 general election took office. Those governing body positions (Mayor and 2 council positions) with terms formerly set to expire in April 2019, were set to expire on the second Monday in January of 2020, when the city officials elected in the November 2019 general election take office. Beginning with the November 2019 general election, all terms for the positions of Mayor and Council members shall begin at the first regular council meeting in December of the same year of any such election. This will shorten the term of those positions elected in November of 2017 to the first council meeting in December of 2019.

Section 4. General elections were formerly modified to take place on the Tuesday succeeding the first Monday in November 2017 and in each odd-numbered year. All succeeding elections shall be held every two years for all such governing body positions whose terms have expired. The mayor and all council member positions shall have four-year terms; provided, however, no person shall hold the office of mayor or council member for more than 2 consecutive terms, including any partial terms resulting from appointment. This term limitation does not apply to any such consecutive service as mayor and council member.

Section 5. All elections for the City of Highland, Kansas shall be nonpartisan.

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 a qualified elector to fill the vacancy until the next election for that council position. 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 qualified elector to fill the vacancy.

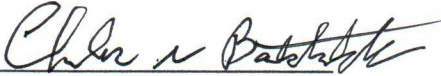
Section 7. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that mayoral term of office and a vacancy shall occur in the office of the council member becoming mayor.

Section 8. In accordance with K.S.A. 25-205, 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 not less than twenty-five of the qualified electors of the City of Highland.

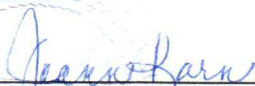
Section 9. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 10. 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 10th day of July, 2019.


Charles N. Batchelder, Mayor

Attest:


Joann Karn, City Clerk

[SEAL]

