

ORDINANCE 1266

AN ORDINANCE OF THE CITY OF HILLSBORO AMENDING SECTIONS 1-201, GOVERNING BODY, 1-208 MAYOR, OATH OF OFFICE, 1-209 COUNCIL ORGAINZATION, 1-211 VACANCY IN OFFICE OF MAYOR OR COUNCILMEN, 6-104 ELECTION OF MAYOR AND COUNCIL, 6-105 COMMENCEMENT OF TERMS OF OFFICE, OATH OF OFFICE AND A NEW SECTION 6-101.1 FILING PLACE, PETITION AND FEES

WHEREAS, the Kansas Legislature approved HB 2104 in 2015 affecting the time and manner governing officials are elected; and,

WHEREAS, The City of Hillsboro has passed Charter Ordinance 19 addressing the time and manner of such elections.

NOW, THEREFORE BE IT ORDAINED:

Section 1. The following sections are hereby repealed

1. Section 1-201 Governing Body
2. Section 1-208 Mayor, Oath of Office
3. Section 1-209 Council; Organization
4. Section 1-211 Vacancy in Office of Mayor or Councilmen
5. Section 6-104 Election of Mayor and Council
6. Section 6-105 Commencement of Terms of Office; Oath of Office

Section 2. The following sections of the Hillsboro City Code shall added to read:

Section 1-201. Governing body shall read:

The governing body of the city shall consist of the mayor and four councilmembers to be elected as set out in Chapter 6 of this code [two year terms].

(C.O. No. 1; C.O. No. 6; C.O. No. 13; Code 2015)

(K.S.A. 14-111; Ord. 190, Sec. 4)

Section 1-208. Mayor, oath of office shall read:

At a special meeting held on the second Monday in January, the mayor-elect shall take and subscribe his/her oath of office which shall be entered upon or attached to his certificate of election and the same shall be filed with the city clerk; provided, that if the mayor-elect should fail to qualify at such meeting he or she may qualify within 10 days thereafter.

(K.S.A. 14-205; Ord. 190, Sec. 5)

Ref.: Oath of Office, see Sec. 1-401 of this chapter.

Section 1-209. Council; organization shall read:

At the meeting of the council as above provided, the city clerk shall enter upon the journal the oath or affirmation of office prescribed by law for councilmen, which oath or affirmation shall thereupon be taken and subscribed by each council member-elect and thereupon the newly elected council shall organize by electing one of their number as president of the council; provided, that if there shall not be present a quorum, they may adjourn such meeting not more than 10 days at which time they may perfect their organization.

(K.S.A. 14-205; Ord. 190, Sec. 6)

Ref.: Oath of Office, see Sec. 1-401 of this chapter.

Section 1-211. Vacancy in office of mayor or councilman shall read:

When any vacancy shall happen in the office of mayor by death, resignation, removal from the city, removal from office, refusal to qualify, or otherwise, the president of the council for the time being shall exercise the office of mayor, with all the rights, privileges and jurisdiction of the mayor, until such vacancy be filled or such disability be removed, or, in case of temporary absence, until the mayor shall return. During the time he or she shall so act, the president shall receive the same compensation that the mayor would be entitled to. In case of such vacancy, other than a temporary absence or disability, the person exercising the office of mayor shall become mayor. Thereupon the council shall elect from its membership a new president of the council. Whenever a vacancy shall occur in the office of councilman, the mayor shall appoint, by and with the consent of the city council, an elector of the ward where the vacancy occurs to be councilman for the balance of the unexpired term.

(K.S.A. 14-204; K.S.A. 14-308)

Section 6-104. Election of mayor and council shall read:

A general election of city officers shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every year for all such governing body positions whose terms have expired. The Mayor and one council member from each ward shall be elected at one election, and the other council member from that ward shall be elected at the succeeding election. At said election, the mayor and the candidate for council member receiving the highest number of votes in each ward shall be declared elected for a term of two years.

(K.S.A. 14-201; K.S.A. 14-103; C.O. No. 1; C.O. No. 6; C.O. No. 13; Code 2015)

Section 6-105. Commencement of terms of office; oath of office shall read:

(a) The term of office for newly elected city officials shall commence with and include the first Tuesday succeeding the first Monday in January following certification of the election by the county election officer.

(b) Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and amendments thereto, and every such oath or affirmation shall be filed with the city clerk.

(K.S.A. 25-2120; Code 2015)

New Section 6-101.1 —.FILING PLACE, PETITION, AND FEES shall read:

Section 6-101.1 Any person may become a candidate for Mayor by having had filed with the county election officer on their behalf, a nomination petition or a declaration of candidacy, accompanied by a fee of \$20.00 (KSA 25-2110). A candidate for the office of City Councilman must file his/her nomination petition or declaration of candidacy with the City Clerk (KSA 25-2110a) accompanied by a fee of \$20.00. The nomination petition must be signed by 25 of the qualified electors of the City of Hillsboro.

Section 3 That this ordinance shall be in full force and effective upon publication in the official city newspaper and following the effective date of Charter Ordinance 19.

PASSED THIS 5th DAY OF January, 2016

_____/s/_____
DELORES DALKE, MAYOR

ATTEST:

_____/s/_____
JANICE K. MEISINGER, CITY CLERK

On January 2, 2016, the City of Hillsboro, Kansas adopted Ordinance 1266 Amending rules and regulations pertaining to the election of the Mayor and City Council following approval of HB2014 adopted by the Legislature of the State of Kansas in 2015. A complete copy of this ordinance is available at www.cityofhillsboro.net or at City Hall, 118 E. Grand. This summary is certified by Josh Boehm, City Attorney.

Josh Boehm, Hillsboro City Attorney