

CHARTER ORDINANCE NO. 1B

A CHARTER ORDINANCE EXEMPTING THE CITY OF VALLEY FALLS, KANSAS, FROM THE PROVISIONS OF SECTIONS 7, 8, AND 44, CHAPTER 274, SESSION LAWS OF 1968, (NOW K.S.A. 25-2107, 25-2108, 15-201 and 15-204), RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO.1A.

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

Section 1. The City of Valley Falls, Kansas, a mayor-council city of the third class, by the power invested in it by Article 12, section 5 of the constitution of the State of Kansas hereby elects to exempt itself from and to make inapplicable to it section 7, 8, and 44 of Chapter 274, Session Laws of 1968 (Now K.S.A. 25-2107, 25-2108 and 15-201) and provides substitute and additional provisions therefore as hereinafter provided.

Section 2. Those governing body positions with terms expiring in April 2017, shall expire on the Second Monday January of 2018, when the city officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April 2019, shall expire on the second Monday in January of 2020, when the city officials elected in the November 2019 general election take office.

Section 3: General elections shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such governing body positions whose terms have expired. A mayor and two council members shall be elected at one election, and the remaining three council members shall be elected at the succeeding election. The mayor and all council members shall have four year terms. There shall be no primary election for city officers.

Section 4. All elections for the City of Valley Falls, Kansas shall be nonpartisan.

Section 5. The mayor shall appoint by and with the consent of the council, a municipal court judge, a chief of police, a city clerk, a city treasurer, a city attorney, a fire chief and such other officers as they may deem necessary. Offices so appointed and confirmed will hold their offices at the pleasure of the mayor and council, and until their successors are appointed and qualified. The appointment (s) thereafter, shall be made at the second regular meeting of the governing body in January of each year.

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 an elector to fill the vacancy until the next election for that office. 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 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 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 five (5) of the qualified electors of the City of Valley Falls to avoid a fee.

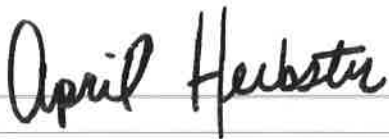
Section 9. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

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 18th day of January, 2017.


Charles Stulesman, Mayor

Attest:



City Clerk
[SEAL]

APPENDIX A - CHARTER ORDINANCES

NOTE: The charter ordinances included herein are for information only. Each of them contains the substance as adopted by the governing body but enacting clauses, publication clauses and signatures have been omitted to conserve space. Complete copies of each charter ordinance as adopted are on file in the office of the city clerk and with the Kansas secretary of state. Date of passage by the governing body of each charter ordinance is shown in parentheses at the end of the text.

CHARTER ORDINANCE NO. 1

A CHARTER ORDINANCE EXEMPTING THE CITY OF VALLEY FALLS, KANSAS FROM THE PROVISIONS OF SECTIONS 7, 8, AND 44, CHAPTER 274, SESSION LAWS OF 1968, (NOW K.S.A. 25-2107, 25-2108 AND 15-201) AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT CONCERNING ELECTIONS, DATES OF CITY ELECTIONS, TERMS OF OFFICE, QUALIFICATION AND MATTERS RELATED THERETO.

Section 1. The City of Valley Falls, Kansas, a mayor-council city of the third class, by the power invested in it by Article 12, Section 5 of the constitution of the State of Kansas hereby elects to exempt itself from and to make inapplicable to it sections 7, 8, and 44 of Chapter 274, Session Laws of 1968 (Now K.S.A. 25-2107, 25-2108 and 15-201) and provides substitute and additional provisions therefore as hereinafter provided.

Section 2. A general election of city officers shall be held on the first Tuesday in April of each odd numbered year and the terms of the city officers shall be for four years. There shall be no primary election for city officers.

Section 3. In April 1977, and every four years thereafter in the City of Valley Falls there shall be elected a mayor and two councilmen. In April, 1979, and every four years thereafter there shall be elected three councilmen. All such elected mayors and councilmen shall hold their office for four years and until their successors are elected and qualified. Elected or appointed officers in office at the time of passage of this ordinance shall continue in office for the unexpired term for which they were elected or appointed. Provided that all councilmen shall be elected in April, 1977, as follows: the two councilmen candidates receiving the highest vote total in April 1977, shall hold their office for four years, and the three councilmen candidates receiving the next highest votes in April 1977, shall hold their offices for two years.

Section 4. The mayor shall appoint by and with the consent of the council, a municipal court judge, a chief of police, a city clerk, a city treasurer, a city attorney, a fire chief and such other officers as they may deem necessary. Offices so appointed and confirmed will hold their offices at the pleasure of the mayor and council, and until their successors are appointed and qualified.
(02-02-76)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF VALLEY FALLS FROM K.S.A. 79-5001 TO 79-5017, INCLUSIVE, AND ANY AMENDMENTS THERETO.

Section 1. The City of Valley Falls, Kansas, by the power vested in it by Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-53001 to 79-5017, inclusive and any amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.

Section 2. The provisions of K.S.A. 79-5001 to 79-5017, inclusive, and any amendments thereto, shall not apply to any taxes levied by the City of Valley Falls. (06-20-84)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF VALLEY FALLS FROM K.S.A. 79-5021 TO 79-5035, INCLUSIVE, AND ANY AMENDMENTS THERETO.

Section 1. The City of Valley Falls, Kansas, by the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-5021 to 79-5035, inclusive and any amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.

Section 2. The provisions of K.S.A. 79-5021 to 79-5035, inclusive, and any amendments thereto, shall not apply to any taxes levied by the City of Valley Falls. (06-06-90)

CHARTER ORDINANCE NO. 4

A CHARTER ORDINANCE EXEMPTING THE CITY OF VALLEY FALLS, KS FROM THE PROVISIONS OF K.S.A. 66-1801 ET SEQ. , THE KANSAS UNDERGROUND UTILITY DAMAGE PROTECTION ACT, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KS:

Section 1. The City of Valley Falls, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects and does exempt itself and make inapplicable to it K.S.A. 66-1801 through K.S.A. 66-1816, the enactment known as the Kansas Underground Utility Damage Protection Act, which enactment applies to this city, but does not apply uniformly to all cities.


Section 2. All underground water and wastewater facilities installed after July 1, 2008 shall be locatable.

Section 3. Any excavator may, prior to excavating, call the city and request that the city locate any underground wastewater and water facilities.


Section 4. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 5. This charter ordinance shall take effect 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, Subsection (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved 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 5th day of October, 2011.


Mayor

Attest:


Millie C. Bickford
City Clerk