

CHARTER ORDINANCE NO. 2012-1

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDWARDSVILLE, KANSAS FROM THE PROVISIONS OF K.S.A. 14-103, 14-201, 14-204, 14-205, 14-207, AND 14-440, RELATING TO THE DIVISION OF THE CITY INTO WARDS, ELECTIONS AND TERMS OF COUNCIL MEMBERS, ELECTIVE AND APPOINTIVE OFFICERS, AND ENGINEERING ESTIMATES, REPEALING CHARTER ORDINANCE NO. 2008-2 IN ITS ENTIRETY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT BY ORDINANRY ORDINANCE

SECTION 1. That the City of Edwardsville, Kansas, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to and does exempt itself and make inapplicable to it K.S.A. 14-103, 14-201, 14-204, 14-205, 14-207, and 14-440, which apply to this city, but are part of an enactment which does not apply uniformly to all cities.

SECTION 2. Governing Body. The mayor and five councilmembers shall constitute the governing body of the city. The mayor and councilmembers shall be elected for four year terms, or until their successors are qualified.

No person shall be eligible for the office of mayor or councilmember who is not at the time of election an actual resident of the city. If any member of the governing body no longer maintains their residence in the city during the term of their office, the office shall be deemed vacant.

SECTION 3. Vacancies. 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 councilmember becoming mayor. 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 consent of the remaining councilmembers, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a councilmember neglects or refuses to qualify within 30 days after their election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor, by and with the consent of the remaining councilmembers, appoint some suitable elector to fill said vacancy.

SECTION 4. Appointment and Removal of City Officers. The mayor shall appoint, by and with the consent of the council, a municipal judge, city prosecutor, city attorney, and city manager. However, unless an ordinance or written contract between the city and officer provides otherwise, all appointed officers may be removed, with or without cause, upon a two-thirds vote of all members of the governing body.

SECTION 5. Residency of Officers. The officers elected pursuant to statute shall be qualified electors of said city. The removal from such city of any officer elected pursuant to statute shall occasion a vacancy in such office. All appointed officials or officers of the city shall be residents of the State of Kansas. Provided, however, that, notwithstanding the foregoing, if the official or officer is appointed to perform a service for the city involving a profession requiring the issuance of, and credentials for, a Kansas license to engage in such profession, and the officer or official holds such license and is in good standing with the issuer of such license, then nothing herein, including a residency requirement, shall prohibit the city from appointing such official or officer. In the event that any appointed officer or official does not meet the requirements of this Section, then a vacancy in the office shall be deemed to have occurred.

SECTION 6. Duties of City Manager. The city manager shall supervise the day-to-day operations of the city including appointment and removal of all non-appointed personnel in accordance with the City of Edwardsville Code of Ordinances, policy and procedures of the city, and directions of the governing body.

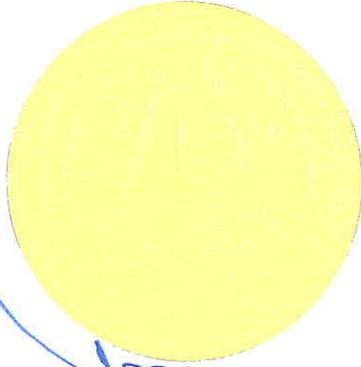
SECTION 7. Severability. If a court of competent jurisdiction should hold any section or part of this charter ordinance invalid, such holding shall not affect the remainder of this charter ordinance nor the context in which such section or part so held invalid may appear, except to the extent that an entire section or part may be inseparably connected in meaning and effect with that section or part. If a court of competent jurisdiction holds part of this charter ordinance invalid, or if a change in the constitution of the State of Kansas or in the statutes of Kansas or applicable federal law renders a part of this charter ordinance invalid or inapplicable, the governing body may take such appropriate action as will enable the city government to function properly.

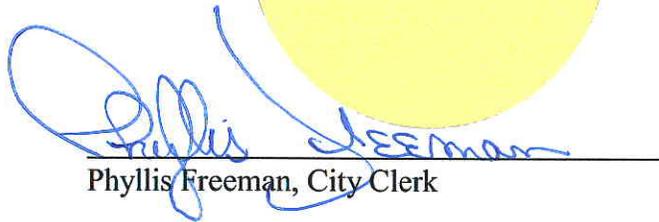
SECTION 8. Repeal. Charter Ordinance No 2008-2 is repealed in its entirety.

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 final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the Ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

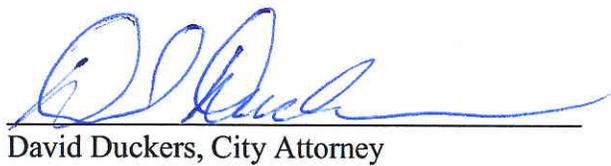
ADOPTED BY THE GOVERNING BODY, BY NOT LESS THAN TWO-THIRDS OF THE MEMBERS ELECTED, AND APPROVED BY THE MAYOR OF EDWARDSVILLE, KANSAS ON THE 26TH DAY OF MARCH, 2012.




Phyllis Freeman, City Clerk


John McTaggart, Mayor

APPROVED AS TO FORM


David Duckers, City Attorney