



MODIFIED MAYOR-COUNCIL-MANAGER FORM OF GOVERNMENT

SELECTED EXCERPTS OF CHARTER ORDINANCE NO. 28, as amended by CHARTER ORDINANCES NO. 61 and NO. 62

GOVERNING BODY (ARTICLE II)

SECTION 2.1: Composition.

A. The Governing Body of the City of Olathe, Kansas, shall consist of a Mayor and two (2) Councilmembers elected at large and four (4) Councilmembers elected by districts. At every regular City election following the regular City election in 2003, each person elected to the Governing Body shall be elected to serve a four (4) year term.

B. At the regular City elections in 2003, there shall be elected a Mayor and a Councilmember elected by the City at large to serve four (4) year terms, and four (4) district Councilmembers. The district Councilmembers for wards 1 and 2 shall be elected to serve four (4) year terms. The district Councilmembers for wards 3 and 4 shall be elected to serve two (2) year terms.

C. At the regular City election in 2005, there shall be elected a Councilmember elected by the City at large, and two (2) district Councilmembers. All shall be elected to serve four (4) year terms.

(C.O. 28 § 2.1 (1986); C.O. 61 § 1 (2002))

SECTION 2.2: Districts.

(A) Within ninety (90) days after the approval of the charter ordinance by a majority vote of the electors of the city, the Governing Body shall, by ordinance, divide the city into four (4) districts to be numbered one to four. Said districts shall be as nearly equal in population and as compact and contiguous as is practical. Dividing lines between districts shall follow precinct boundaries. Every eight (8) years thereafter, the Governing Body of the city shall adjust district boundaries to reflect approximately equal population.

(B) Candidates to the Council from a district shall be residents of the district for which they seek election and shall continue to reside in the district during their term of office. Qualified voters signing a petition for the candidacy of a person to a Council district position shall be residents of such district. Only the qualified voters of a district shall vote for candidates for a Council district position.

(C.O. 28 § 2.2 (1986); C.O. 62 § 1 (2002))

SECTION 2.3: General Powers. All powers of the city shall be vested in the Governing Body, except as the Constitution and the Statutes of Kansas or this charter ordinance may otherwise provide. The Governing Body shall provide for the performance of all duties and obligations imposed on the city by law. The Governing Body shall adopt such codes, rules and regulations as may be necessary for the establishment of proper authority and direction for the administration of the affairs of the city. The Governing Body shall employ a city manager as provided in Article III of this charter ordinance and shall also employ an Internal Auditor and the Municipal Court Judge or Judges. The Governing Body shall set priorities for budget preparation and adopt the annual budget of the city. It shall be the duty of the Governing Body to be the policy-making body of the city, to pass all ordinances, resolutions and contracts needful for the welfare of the city, to provide for such offices as shall be necessary to carry out the provisions of this charter ordinance and determine salaries for the same.

(C.O. 28 § 2.3 (1986); C.O. 62 § 2 (2002))

SECTION 2.4: Mayor. The mayor shall be the titular head of the city and shall preside at all meetings of the Council. The mayor shall sign all ordinances and resolutions passed by the Council and shall have all voting privileges of councilmen.

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 or she 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 Governing Body action relating thereto.

The mayor 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 Governing Body action relative thereto. The mayor may inform the Governing Body concerning questions of policy, and may make policy recommendations to the Governing Body. The mayor shall be empowered to call special meetings as provided by law.

(C.O. 28 § 2.4 (1986))

SECTION 2.5: Salaries. The Governing Body shall by ordinance fix the salaries of the members of the Governing Body.

(C.O. 28 § 2.5 (1986))

SECTION 2.6: Qualifications and Vacancies.

(A) All members of the Governing Body shall be citizens of the United States and qualified electors of the city and must reside in the city at the time of election and reside in the city during the period he or she remains in office. The removal from the city of any member shall occasion a vacancy in such office. The office of a Councilmember shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

(B) When there is a vacancy in the office of mayor, the mayor pro tem, upon being qualified, shall become mayor until the next regular city election and until a mayor has been duly elected for the unexpired two year term.

(C) A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, by majority vote of the remaining members of the Governing Body. Exception: When the vacant position is subject to the next regular city election and the vacancy occurs within ninety (90) days of the date for filing for such election, as provided for in state law, the Governing Body shall not fill the vacancy and the vacancy shall be filled through such regular election.

1. When the Governing Body is required to fill any vacancy, the Governing Body shall proceed to fill such vacancy and only the position originally vacated pursuant to Section 2.6 as follows:

a. At the first Council meeting immediately following the occurrence of a Council vacancy, the Governing Body shall announce to the public that it is accepting applications for the position of Councilmember; announce the date by which all applications must be submitted; announce whether it is an at large position or a ward position and announce that applications shall be submitted to the Olathe City Clerk. The Governing Body shall accept applications for a period of thirty (30) days from the date the vacancy is announced. All applications shall be deemed to be open public records under the Kansas Open Records Act, K.S.A. 45-221 *et seq.* and as amended.

b. The Governing Body shall interview all qualified applicants for the vacant Council position. The Governing Body shall conduct all such interviews in an open public meeting.

c. Within sixty (60) days of accepting applications, the Governing Body shall either:

(1) Elect by majority vote a candidate from the public list of applicants, or

(2) Announce the Governing Body has rejected all candidates.

If all candidates are rejected, the Governing Body shall fill such vacancy pursuant to this section.

(C.O. 28 § 2.6 (1986); C.O. 62 § 3 (2002))

SECTION 2.7: Biennial Organization Meeting. At its first regular meeting in April after a biennial city election, the Governing Body shall:

(A) Establish by resolution a regular schedule of meeting times and dates for the next two (2) years. Such schedule shall provide for no fewer than two (2) meetings each month.

(B) Elect one of its members as mayor pro tem who, in the absence or disability of the mayor, shall become acting mayor. Such councilmember shall retain all voting rights and other prerogatives as a councilmember while acting as mayor.

(C.O. 28 § 2.7 (1986); C.O. 62 § 4 (2002))

SECTION 2.8: Prohibitions.

(A) **Holding Other Office.** No Governing Body member shall hold any other city office or city employment during the term for which the member was elected to the Governing Body. No former Governing Body member shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the member was elected.

(B) **Appointments and Removal.** Neither the Governing Body nor any of its individual members shall in any manner direct, supervise or require the appointment, promotion, transfer, assignment, demotion, discipline, lay off, suspension, discharge or removal of any officers or employees whom the city manager is empowered to appoint. Governing Body members may express their view and fully and freely discuss with the city manager anything pertaining to appointment, promotion, transfer, assignment, demotion, suspension, discharge and removal of such appointive officers and employees.

(C) **Interference with Administration.** No member of the Governing Body shall directly interfere with the conduct of any department, except at the express direction of the council. The council and its members as individuals shall deal with appointive officers and employees solely through the city manager, but they may request basic information necessary for council work.

(C.O. 28 § 2.8 (1986); C.O. 62 § 5 (2002))

SECTION 2.9: Governing Body Rules of Procedure.

(A) **Meetings.** The Governing Body shall meet regularly twice a month, or more often if the public business requires. A call signed by a majority of the Governing Body shall be sufficient warrant for a special meeting. Regular or special meetings shall always be open to the public.

(B) Rules and Journal. The Governing Body shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings.

(C) Voting. Four (4) members of the Governing Body shall constitute a quorum. All the Governing Body actions on the passage of ordinances shall be taken by the affirmative vote of four (4) or more members unless a greater or lesser number of votes is required by this charter ordinance, by the Statutes of Kansas, or by the Constitution of Kansas. All resolutions, motions, contracts and other business may be adopted or passed by a majority vote of a quorum, except as otherwise required by law. The votes of all Governing Body members shall be recorded in the journal.

(C.O. 28 § 2.9 (1986); C.O. 62 § 6 (2002))

CITY MANAGER (ARTICLE III)

SECTION 3.1: Appointment, Qualifications, Compensation. The Governing Body shall appoint a city manager to serve at the pleasure of the Governing Body and shall establish compensation of the city manager. The city manager shall be appointed solely on the basis of executive, managerial and administrative qualifications as demonstrated by a verified record of training and experience in public administration and shall have an annual job review by the Governing Body. The city manager need not be a resident of the city at the time of appointment, but must reside in the city while in office. The terms and conditions of employment of the city manager shall be reduced to writing, and approved by the Governing Body as a memorandum of employment; provided, the Governing Body shall retain the power to remove the city manager from office upon reasonable notice at their pleasure.

(C.O. 28 § 3.1 (1986))

SECTION 3.2: Acting City Manager. By written notice filed with the Governing Body, the city manager may designate, subject to approval of the Governing Body, a qualified appointive administrative officer to exercise the powers and perform the duties of city manager during any temporary absence or disability of the city manager.

(C.O. 28 § 3.2 (1986))

SECTION 3.3: Powers and Duties of the City Manager. The city manager shall be the chief administrative officer of the city, and shall be responsible to the Governing Body for administration of all city affairs placed in his or her charge by or under this charter ordinance. The city manager shall:

- (A) Provide assistance and advice to the Governing Body as needed.
- (B) After appropriate consultation with the Governing Body, prepare and submit a recommended annual budget to the Governing Body for final adoption, and be responsible for the administration of the budget after it goes into effect.
- (C) Make recommendations to the Governing Body on all matters concerning the welfare of the city.
- (D) Ensure that all ordinances, resolutions, codes, regulations, rules, policies, directions and acts of the Governing Body are faithfully enforced, administered and executed.
- (E) Appoint, promote, transfer, assign and demote, discipline, lay off, suspend, discharge or remove all appointive officers and employees of the city, except for an Internal Auditor and the Municipal Court Judge or Judges, who shall be appointed, disciplined, laid off, suspended, discharged or removed by the Governing Body. The city manager may authorize any appointive officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinances of that officer.

(F) Direct and supervise the administration of all offices and all appointive officers and employees of the city, except for the Internal Auditor and the Municipal Court Judge or Judges, who shall be directed and supervised by the Governing body.

(G) Attend all Governing Body meetings and have the right to take part in discussions but without the right to vote.

(H) Assist the Governing Body in the preparation of meeting agendas, ordinances, resolutions, rules, regulations and policies and in such other matters as may be required by the Governing Body.

(I) Submit to the Governing Body and make available to the public periodic and annual reports on the financial and administrative affairs of the city and keep the Governing Body advised of the financial conditions and needs of the city.

(J) Prepare and submit to the Governing Body annually before June 1, recommendations for a capital development and financing program for the city.

(K) Make such other reports as the Governing Body may require concerning the operations of city offices.

(L) Have such other powers and duties consistent with this charter ordinance as the Governing Body may prescribe.

(C.O. 28 § 3.3 (1986); C.O. 62 § 7 (2002))

ADMINISTRATION (ARTICLE IV)

SECTION 4.1: General. Administrative departments shall be created by the Governing Body as the public business may demand. All appointments shall be made by the city manager based upon qualification and merit. All department heads shall be ready at all times to furnish him or her with such information as he or she may require.

(C.O. 28 § 4.1 (1986))