

CHARTER ORDINANCE NUMBER 10
AMENDING CHARTER ORDINANCE NUMBER 7

A CHARTER ORDINANCE VACATING THE PROVISIONS AND THE LANGUAGE OF CHARTER ORDINANCE NUMBER SEVEN, SECTION 3 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE NUMBER OF COMMISSIONERS THAT SHALL COMPRISE THE CITY COMMISSION OF THE CITY OF GALENA, KANSAS: THE CURRENT COMMISSION CONSISTING OF THREE COMMISSIONERS ELECTED AT LARGE SHALL BE ENLARGED TO A FIVE COMMISSIONER GOVERNING BODY ELECTED IN THE SAME MANNER; FURTHER, PROVISIONS BEING MADE CONCERNING THE ELECTION OF SAID TWO NEW COMMISSIONERS AND THE TERM OF THEIR OFFICE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA:

Section 1. The City of Galena, by virtue of the powers vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby exercises its Home Rule Powers.

Section 2. The City of Galena, has, by previous Charter Ordinance Number 7, adopted the Commission-Manager form of government and all such sections and provisions thereof are hereby preserved except as provided for herein.

Section 3. The City of Galena, hereby vacates the language of the previous Charter Ordinance number 7, Section 3 and provides substitute and additional language replacing said Section 3; such replacement language and provisions being contained in this Charter Ordinance Number 10 Section 4; as follows.

Section 4: (a) The Governing Body of the City of Galena, Kansas, a commission/manager city of the Second Class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, shall be enlarged from three commissioners to five commissioners, effective and for the purposes of a special election to fill the newly created offices of two additional commissioners which shall be held in the year 1999. The special election to fill the two newly created commission offices shall be held as soon as is practicable and shall be called by County Clerk of Cherokee County, Kansas within his discretion as provided for by Kansas Statute. Those three commissioners elected during the regular election held upon the first Tuesday in April of 1999 shall hold four year terms and those two elected during the special election shall hold terms of less than two years during the first term of the two newly created commission seats. Those newly created and duly elected two commission seats shall be open and subject to a vote of the electorate during the next general election to be held upon the first Tuesday of April, 2001 and those two commissioners elected thereupon shall hold office for a period of four years commencing with the first regularly scheduled commission meeting following the first Tuesday in April of that year. Thereafter, and upon the first Tuesday in April commencing in 2001 and upon the first Tuesday in April of every odd-numbered year thereafter, there shall be held a city election for the election of new commissioners or expiring commission seats as herein set forth. Thereafter all commission office terms shall be for a period of four years commencing with the first regular meeting of the commission in April following the first Tuesday in April following their said election in odd numbered years. In case of a vacancy in the offices of commissioner occurring by reason of resignation, death or removal from office, or from the city, the mayor, by and with the consent of the majority of the remaining commissioners shall appoint a suitable elector of the city to fill the vacancy until the next election for that office.

- (b) There shall be a primary of city commissioners on the Tuesday preceding by four (4) weeks the first Tuesday in April of every year the City of Galena, Cherokee County, Kansas has a city election, except as otherwise provided for in subsection (c) of this section.

(Continued)

(charter or #10)

- (c) primary one (1) or more persons will be eliminated as candidates for office. In the event there are not more than (2) candidates for any one office, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.
- (d) After qualification of the new commissioners at the first regular meeting in April following the first Tuesday of April of said election year of a city election where members of said commission are elected, a mayor shall be selected on the first regular meeting following the first Tuesday in April every year on, from and after the first so scheduled meeting in April, 1999. The mayor so selected shall serve as such for two (2) years. The mayor shall, prior to the termination of the meeting of his selection shall designate and appoint the other members of the commission to the following offices: (i) the Commissioner of Finance; (ii) the Commissioner of Roads and Streets; (iii) the Commissioner of the Police and Fire Departments and the Parks. The Commissioners so appointed shall serve until their successors are qualified and elected as shall the mayor.

Section 5: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

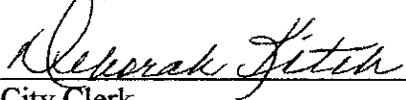
Section 6: This is a charter ordinance and shall take effect **61 days** after final publication, unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subsection (c) (3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereon.

Passed by the Governing Body, no less than two-thirds of the members-elect voting in favor thereof, this 15th day of **March**, 1999.



Mayor

ATTEST:



City Clerk

(SEAL)