

(Summary Published in the Leavenworth Times on March 16, 2024)

ORDINANCE NO. 8239

AN ORDINANCE AMENDING DIVISION 1 (GENERALLY) OF ARTICLE II (CITY COMMISSION) OF CHAPTER 2 (ADMINISTRATION) OF THE LEAVENWORTH CODE OF ORDINANCES REGARDING THE TERMS OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY AND THE SELECTION OF THE MAYOR AND MAYOR PRO TEM FOR THE CITY, AND ESTABLISHING A NEW AND REPLACEMENT DIVISION.

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

Section 1. Division 1 (Generally) of Article II (City Commission) of Chapter 2 of the Leavenworth Code of Ordinances, consisting of Sections 2-19 through 2-51, inclusive, is hereby deleted in its entirety and amended to read as follows:

ARTICLE II.—CITY COMMISSION

DIVISION 1.—GENERALLY

Sec. 2-19. - Composition; election; term of office.

- (a) *Form of government.* The city continues to operate under the commission-manager form of government, pursuant to K.S.A. 12-184b and pursuant to all existing ordinances and charter ordinances relating to its form of government. The city commission shall consist of five commissioners, who are residents and qualified electors of the city, to be elected to terms set forth herein.
- (b) *Candidacy for city commission.* 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 not later than 12:00 noon, on June 1, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon on the next following day that is not a Saturday, Sunday or holiday. If filing by nomination petition, such petition must be signed by 50 qualified electors of the city or not less than one percent of the ballots cast and counted at the last general city election, whichever is less.
- (c) *Elections of commissioners.*
 - (i) General elections shall be held on the Tuesday following the first Monday in November of each odd-numbered year. All elections for the city shall be nonpartisan.

- (ii) At each regular city election, there shall be elected two commissioners for a four-year term, and one commissioner for a two-year term. Subject to subsection (d) below, the candidates receiving the largest and second largest number of votes shall be elected for four-year terms, and the candidate receiving the third largest number of votes shall be elected for a two-year term commencing the second Tuesday in December following certification of the election, and until a successor is elected and qualified. In the event of any tie votes, such tie shall be resolved pursuant to K.S.A. 25-3108, as amended.
 - (iii) 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.
- (d) *Terms of office.*
- (i) The terms of each commissioner position with terms that would have expired on the first Tuesday in December 2025 shall expire on the second Tuesday in December 2025 when the commissioners elected in the 2025 general city election take office, or until a successor is otherwise qualified, whichever is later. The terms of each commissioner position with terms that would have expired on the first Tuesday in December 2027 shall expire on the second Tuesday in December 2027 when the commissioners elected in the 2027 general city election take office, or until a successor is otherwise qualified, whichever is later. Thereafter, terms of office shall commence as set forth in subsection (c)(ii) above.
 - (ii) At the first regularly-scheduled meeting of the governing body in December of any city election year, as provided in section 2-52 of this code, following certification of the results of the city election held the previous November, the governing body, as constituted before said election, shall meet and open the meeting, and thereafter seat the new governing body, and the new governing body shall proceed to the order of business. Provided, that in the event the governing body is not able to hold its regularly-scheduled meeting on the second Tuesday of December in any year, then the terms of office of commissioners shall nevertheless expire and commence as set forth in this section, and the mayor, city manager, or city clerk shall otherwise make arrangements to qualify commissioners by oath or affirmation.

- (e) *City manager.* The city commission shall appoint a city manager to be responsible for the administration and affairs of the city. The city manager shall serve at the pleasure of the city commission. The city manager shall see that all laws and ordinances are enforced. The city manager shall appoint and remove all heads of departments and all subordinate officers and employees of the city. All appointments shall be made upon merit and fitness alone.

Sec. 2-20. - Powers generally.

All powers exercised by cities of the first class, or which shall be conferred upon such cities, shall be exercised by the city commission, insofar as they do not conflict with the provisions of the statutes relating to the commissioner-manager form of government.

Sec. 2-21. - No title distinctions between commissioners; compensation.

Regulations relating to the commissioners of the city shall include the following:

- (1) No distinction shall be made in the title or duties among the commissioners, except as the board shall organize itself for business.
- (2) The commissioners shall be entitled to receive and be reimbursed for any reasonable expenses incurred as a result of trips or efforts made on behalf of the city.
- (3) Each commissioner shall receive a \$50.00 per month technology allowance to be used on technology costs of their choosing, to include, but not limited to, the cost of internet and phone.
- (4) Each commissioner shall receive a salary of \$6,000.00 per year, payable in monthly installments, provided that the commissioner chosen as chairperson annually, who shall have the title of mayor, shall, be paid \$7,200.00 during the year of office, payable in monthly installments.

Sec. 2-22. - Mayor and mayor pro tem.

- (a) The city commission shall have a chairperson to serve for a one (1) year term, and the chairperson shall have the title of mayor during the year of office, to the end that the city shall have an official head on formal occasions. The city commission shall also have a vice-chairperson to serve for a one (1) year term, and the vice-chairperson shall have the title of mayor pro tem during the year of office, to the end that the city shall have an official head on all formal occasions in the absence of the duly elected mayor.
- (b) Notwithstanding the provisions of subsection (a) above:

- (i) The current mayor as of the effective date of this ordinance shall serve as mayor until the second Tuesday in December 2024. The current mayor pro tem as of the effective date of this ordinance shall serve as mayor pro tem until the second Tuesday in December 2024, at which time he or she shall become mayor. The candidate receiving the second-largest number of votes in the 2023 general election shall serve as mayor pro tem commencing as of the second Tuesday in December 2024.
 - (ii) Commencing with the 2025 general election and every subsequent general election thereafter, the candidate receiving the largest number of votes (elected for a four-year term) shall serve as mayor pro tem for a term of one (1) year commencing as of the second Tuesday in December immediately following such general election, and until the second Tuesday in December one year thereafter, at which time he or she shall become mayor. In the event of a tie between the two candidates receiving the largest number of votes, the person to serve as mayor pro tem under this subsection shall be broken by a coin flip by the then-current mayor.
 - (iii) Commencing with the 2025 general election and every subsequent general election thereafter, the candidate receiving the second-largest number of votes (elected for a four-year term), or the person not selected by a coin flip as provided in subsection (ii) above, shall serve as mayor pro tem for a term of one (1) year commencing as of the second Tuesday in December that follows one (1) year after such general election.
 - (iv) Commencing with the second Tuesday in December 2024, and then commencing with the second Tuesday of every December thereafter, the then-current mayor pro tem shall serve as mayor for the upcoming year until the second Tuesday in December of the following year.
- (c) In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office, or when the mayor no longer resides in the city, or for any other reason, the mayor pro tem will fill the vacancy by serving as mayor through the expiration of the then-current term. The mayor pro tem shall then serve as mayor for his or her own term as provided in subsection (b) above.
 - (d) In case of a vacancy in the office of mayor pro tem occurring by reason of resignation, death, removal from office or when the mayor pro tem no longer resides in the city, or when the mayor pro tem has become mayor due to a vacancy as provided in subsection (c) above, or for any other reason, the next-in-line mayor pro tem (as established under subsection (b) above) shall serve as mayor pro

tem through the expiration of the then-vacated mayor pro tem term. If there is, at such time, no next-in-line mayor pro tem, then the governing body shall select, by a majority of those commissioners present, a new mayor pro tem from those commissioners serving at the time of the vacancy within thirty (30) days from the vacancy. In the event of a tie vote in the selection of a new mayor pro tem, the tie shall be broken by a coin flip by the then-current mayor.

Sec. 2-23. - Determination of offices and fixing of salaries.

The city commission shall provide for such offices as shall be necessary to carry out the provisions of the state statutes relating to the commission-manager plan of government and determine salaries for such offices.

Sec. 2-24. - Members not to interfere with conduct of departments.

No members of the city commission shall directly interfere with the conduct of any department, except at the express direction of the city commission.

Secs. 2-25—2-51. - Reserved.

Section 2. Division 1 (Generally) of Article II (City Commission) of Chapter 2 of the Leavenworth Code of Ordinances, consisting of Sections 2-19 through 2-51, inclusive, in existence as of and prior to the adoption of this ordinance is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the 12th day of March, 2024.

/s/ Griff Martin

Griff Martin, Mayor

{SEAL}

ATTEST:

/s/ Sarah Bodensteiner

Sarah Bodensteiner, CMC, City Clerk