

ORDINANCE NO. 17-31

AN ORDINANCE ADDING A NEW CHAPTER 1.02 TO THE OLATHE MUNICIPAL CODE PERTAINING TO QUALIFICATIONS OF MEMBERS AND VACANCIES ON THE GOVERNING BODY.

WHEREAS, Charter Ordinance No. 76, which exempts the City of Olathe, Kansas from the provisions of K.S.A. 12-104a and empowers the City to adopt substitute provisions regarding the filling of vacancies of the Governing Body, was duly enacted on August 2, 2016:

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Chapter 1.02 is hereby added to the Olathe Municipal Code and shall read as follows:

"CHAPTER 1.02

GOVERNING BODY

1.02.010 Qualifications and Vacancies

(A) All members of the Governing Body must be citizens of the United States and qualified electors of the City and must reside in the City at the time of election and during the period of office. If any member ceases to reside in the City, such event will occasion a vacancy in the office. An office may also become vacant upon a 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, will become Mayor until the next regular City election when the office of Mayor has been duly elected.

(C) A vacancy in the City Council will be filled for the remainder of the unexpired term by the remaining members of the Governing Body as provided in subsection (D), unless the vacancy is subject to the next regular City election and occurs within thirty (30) days of the candidate filing deadline for such election. In such case, the Governing Body may not fill the vacancy and the vacancy will be filled through the regular City election.

(D) When the Governing Body is required to fill a Council vacancy, the vacancy will be filled as follows:

(1) At the first meeting immediately following the occurrence of a Council vacancy, the Mayor must announce to the public that the Governing Body will fill the position of Councilmember.

(2) Within thirty (30) days of such announcement the Mayor will appoint a Committee consisting of the Mayor, Mayor pro tem, and the vacating Council Member. If Mayor pro tem is the vacant position or if the vacating Council Member is unable to serve on the committee, the Mayor will appoint an alternate Council Member to the Committee. This Committee must present a qualified applicant for the vacant Council position to the Council within the thirty (30) days of appointment.

(3) Within thirty (30) days of the Council Committee's announcement of the applicant, the Governing Body may either:

(a) Elect the candidate by a majority vote, or

(b) Reject the candidate.

(4) If the candidate is rejected, the Council Committee must present another candidate to the Council within 30 days of such rejection.

(5) The process in this subsection must repeat until either:

(a) The vacancy is filled pursuant to this subsection,

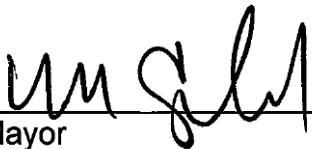
or

(b) The time comes that the vacant Council position is to be filled by regular City election in accordance with the provisions of subsection (C)."

SECTION TWO: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

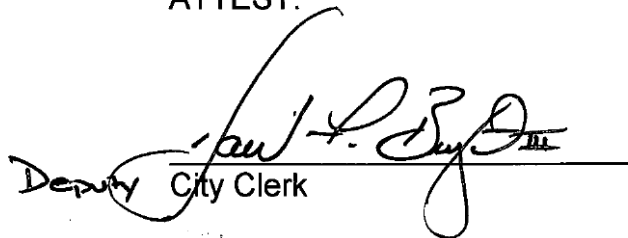
PASSED by the Governing Body this 20 day of June, 2017.

SIGNED by the Mayor this 20 day of June, 2017.



Mayor

ATTEST:

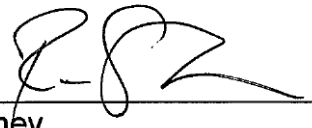


Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:



City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.