

APPENDIX A - CHARTER ORDINANCES

NOTE: The charter ordinances included herein are for information only. Each of them contains the substance as adopted by the governing body but enacting clauses, publication clauses and signatures have been omitted to conserve space. Complete copies of each charter ordinance as adopted are on file in the office of the city clerk and with the Kansas secretary of state. Date of passage by the governing body of each charter ordinance is shown in parentheses at the end of the text.

CHARTER ORDINANCE NO. 1

A CHARTER ORDINANCE EXEMPTING THE CITY OF BENTLEY, KANSAS, FROM SECTION 15-201 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949, AND SECTION 15-210 OF THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION OF MAYOR, POLICE JUDGE AND FIVE COUNCILMEN, THE VOTE, THEIR TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTION.

(Repealed by C.O. No. 2)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 1 AND EXEMPTING THE CITY OF BENTLEY, KANSAS, FROM K.S.A. 15-201; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND RELATING TO THE ELECTION OF THE MAYOR AND COUNCILMEMBERS, THEIR TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATE OF ELECTION.

Section 1. The City of Bentley, Kansas, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 15-301 and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory provision is applicable to this city but is not applicable uniformly to all cities.

Section 2. The regular city election shall be held on the first Tuesday in April of each odd numbered year. At the regular city election in April 1991, there shall be elected three councilmembers. The three candidates for councilmembers receiving the highest number of votes shall hold their office for a term of four years. At the regular city election to be held in April 1993, there shall be elected a mayor and two councilmembers. The mayor shall hold office for a term of four years. The two candidates for councilmembers receiving the highest number of votes shall hold their office for term of four years. At succeeding elections, all offices shall be for a term of four years. At such succeeding elections, the candidates for councilmembers receiving the two or three (as the case may be) highest number of votes shall be declared elected. Whenever there is a tie vote for two or more

candidates and it is necessary to determine which candidate receives the office, the owner shall be determined by lot by the board of canvassers. The city clerk shall, within three days after the canvass of the returns and determination by the board of canvassers of the person elected, deliver to such person a certificate of election, signed by the city clerk and sealed with the seal of the city, and such certificate shall constitute notice of election.

Section 3. The terms of the officers shall begin at the first regular meeting of council in May following their election in April and they shall qualify by taking the oath of office and otherwise, if there be any other qualifications prescribed at any time after receiving notice of election and before or at the beginning of said meeting. If any person elected to the office of councilmember does not qualify within the required time, that person shall be deemed to have refused to accept the office and a vacancy shall exist and the mayor shall appoint, with consent of a majority of the councilmembers, a suitable elector of the city to fill the vacancy for the term to which the refusing person was elected.

Section 4. In case of a vacancy in the council occurring by resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining councilmembers, shall appoint an elector to fill the vacancy until the next election for that office.

Section 5. 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.
(4-12-90) (Repealed by C.O. No. 7)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF BENTLEY, KANSAS, FROM THE PROVISIONS OF KANSAS STATUTES ANNOTATED 15-106, REGARDING QUORUM REQUIREMENTS AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

Section 1. Exemption. The city of Bentley, 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 Kansas Statutes Annotated 15-106 which applies to this city but does not apply uniformly to all cities.

Section 2. Regular and Special Meetings. Regular meetings of the council shall be held at such times as shall be prescribed by ordinance, but not less than once each month. Special meetings may be called by the mayor or acting mayor at any time, or on the written request of three members of the city council, specifying the object and purpose of such meeting which request shall be read at a meeting and entered at length on the journal. In all cases, it shall require four of the five councilmembers elect to constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the council, by ordinance, may have previously prescribed.

(6-14-01) (Repealed by C.O. No. 4)

CHARTER ORDINANCE NO. 4

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 3 WHICH EXEMPTED THE CITY OF BENTLY, KANSAS, FROM THE PROVISIONS OF KANSAS STATUTES ANNOTATED 15-106, REGARDING QUORUM REQUIREMENTS AND PROVIDED SUSTITUTED PROVISIONS ON THE SAME SUBJECT.

Section 1. Repeal. That Charter Ordinance No. 3 duly adopted on June 14, 2001, and which was published and became effective as provided by law, and which exempted the City of Bentley, Kansas, and made inapplicable to it Kansas Statutes Annotated 15-106 and provided substitute and additional provisions on the same subject regarding quorum requirements be, and the same is, hereby repealed. The provisions of K.S.A. 15-106 shall once again apply.
(5-12-05)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF BENTLEY, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112 RELATING TO THE ASSESSMENT OF COURT COSTS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Bentley, Kansas, by 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 the provisions of K.S.A. 12-4112 which applies to this city, but is part of a an enactment which does not apply uniformly to all cities.

Section 2. Court costs may be assessed against the accused person for the administration of justice in any municipal court case where the accused person pleads guilty or nolo contendere or is found guilty. Costs shall be assessed as provided by ordinary city ordinance and, in addition thereto, the municipal judge may assess witness fees and mileage as set forth in K.S.A. 12-4411, together with all other fees and assessments set forth in K.S.A. 12-4112 and K.S.A. 12-4117.
(5-12-05)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE OF THE CITY OF BENTLEY, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758(a) AND K. S .A: 12-1767 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR ON THE SAME SUBJECT RELATING TO PUBLIC BUILDING COMMISSIONS.

Section 1. Exemption from Statute. The City, pursuant to Article 12, §5 of the Kansas Constitution, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758 (a) and K.S.A. 12-1767.

Section 2. Enactment of Substitute Provisions for K.S.A. 12-1758 (a). The following provisions are enacted in substitution for K.S.A. 12-1758 (a):

The City, by ordinance, may create a public building commission for the purpose of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, and for purchasing or otherwise acquiring such building or buildings or facilities. Such building or buildings or other facilities shall be maintained and operated for the affairs and activities of any federal, state, City, school district or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service within Sedgwick County, Kansas. Without in any way limiting the generality or scope of the foregoing, such buildings or facilities may specifically include buildings or other facilities, including all furnishings and equipment, maintained for public recreational and park facilities.

Section 3. Substitute Provisions for K.S.A. 12-1767. Any revenue bonds proposed to be issued by a public building commission created by the City shall be issued as provided in K.S.A. 10-1201 et seq., and amendments thereto, except to the extent that such statutes are in conflict with the Public Building Commission Act as exempted and amended by this Charter Ordinance. The issuance of any such revenue bonds shall not be subject to any petition or protest.
(8-13-06) (Defeated in special election, Not Enacted)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF BENTLEY, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 2.

Section 1. The City of Bentley, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 15-201, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

Section 2. The governing body shall consist of a mayor and five council members to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Bentley, Kansas.

Section 3. Those governing body positions with terms expiring in April, 2017, shall expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April, 2019, shall expire on the second Monday in January of 2020, when the city officials elected in the November 2019 general election take office.

Section 4. General elections shall take place on the Tuesday succeeding the first Monday in November of each odd year beginning in 2017. Succeeding elections will be held every four years for all such governing body positions whose terms have expired. The mayor shall have a four year term with the current term scheduled to expire in April, 2017. Said current mayoral term will now expire the second Monday in January, 2018 when the mayor elected in November of 2017 general election takes office. At succeeding regular city elections there shall be elected council members, whose position terms have expired, for four-year terms. Likewise, at regular succeeding city elections there shall be elected a mayor whose position has expired on a four-year cycle.

Section 5. 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 advice and consent of the remaining council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

Section 6. 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 council member becoming mayor.

Section 7. 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. The nomination petition must be signed by 3 percent of the qualified electors of the City of Bentley.
(3-24-16) (Repealed by C.O. No. 8)

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF BENTLEY, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 7 IN ITS ENTIRETY.

Section 1. The City of Bentley, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 15-201, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

Section 2. The governing body shall consist of a mayor and five council members to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Bentley, Kansas.

Section 3. Those governing body positions with terms expiring in April, 2017, shall expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April, 2019, shall expire on the second Monday in January of 2020, when the city officials elected in the November 2019 general election take office.

Section 4. General elections shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such governing body positions whose terms have expired. A mayor and two council members shall be elected at one election, and the remaining three council members shall be elected at the succeeding election. The mayor and all council members shall have four year terms.

The mayor shall have a four year term with the current term scheduled to expire in April, 2017. Said current mayoral term will now expire the second Monday in January, 2018 when the mayor elected in November of 2017 general election takes office. At succeeding regular city elections there shall be elected council members, whose position terms have expired, for four-year terms. Likewise, at regular succeeding city elections there shall be elected a mayor whose position has expired on a four-year cycle.

Section 5. 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 advice and consent of the remaining council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

Section 6. 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 council member becoming mayor.

Section 7. All elections for the City of Bentley, Kansas shall be nonpartisan.

Section 8. 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. The nomination petition must be signed by 5% of the qualified electors of the City of Bentley.

(11-10-16)