

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

(No Record of Disposition)

CHARTER ORDINANCE NO. 2

CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM SECTIONS 14-201, 14-202, 14-203, 14-204, 12-205 AND 12-308 OF THE GENERAL STATUTES OF KANSAS, 1949, AS AMENDED AND IN FORCE AT THE TIME THIS CHARTER ORDINANCE TAKES EFFECT, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS; PROVIDING FOR THE ELECTION OF A MAYOR, EIGHT COUNCILMEN, POLICE JUDGE, TREASURER; RESOLVING TIE VOTES, FIXING TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING OF VACANCIES, CERTIFICATES OF ELECTION AND COMPENSATION.

(Repealed by C.O. No. 5)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS, FROM THE PROVISIONS OF SECTIONS 7, 8, AND 32, CHAPTER 274, OF THE 1968 SESSION LAWS OF THE KANSAS LEGISLATURE; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SUBJECT, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS, THE TERMS OF OFFICERS AND CITY ELECTIONS.

(Repealed by C.O. No. 5)

CHARTER ORDINANCE NO. 4

A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE LEASE OF ALL OR PART OF PUBLIC BUILDINGS BY THE CITY.

Section 1. The City of Roeland Park, Kansas by the power vested 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 the provisions of K.S.A. 12-1738 and

provide substitute and additional provisions as hereinafter set forth in this ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not applicable uniformly to all cities.

Section 2. The City of Roeland Park, Kansas may lease any public building now owned or hereafter acquired by the City of Roeland Park or any part thereof, when such is not required for city purposes, for a period not exceeding seven years, upon such terms and conditions as the governing body may deem to be in the best interest of the city.

Section 3. Any lease made pursuant to Section 1 hereof shall only be entered into with a governmental entity, government agency or other entity or association which in the opinion of the governing body provides a service of primarily a public nature.

Section 4. Notwithstanding the provisions of Sections 2 and 3 hereof, whenever the governing body shall determine by resolution that any building not owned or hereafter acquired is invested with unusual historical or cultural value, the nature of which shall be described, the city may lease such building to any corporation or association desiring to restore and preserve such building for its historical or cultural value for any term of years which the governing body may deem to be in the best interest of the city.

Section 5. Notwithstanding the provisions of Sections 2 and 3 hereof, whenever the governing body shall determine by resolution that any public building owned prior to the enactment of this ordinance is no longer required for city purposes, the city may lease such building, or any part thereof, for such term of years upon such terms and conditions as the governing body may deem to be in the best interest of the city.

(11-30-83)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, JOHNSON COUNTY, KANSAS, A CITY OF THE SECOND CLASS, FROM SECTIONS 14-103, 14-201, 14-204, 14-205, 14-308, 25-2117, 25-2120, 25-3108, 54-110 and 54-116 OF THE KANSAS STATUTES ANNOTATED AS AMENDED AND IN FORCE AT THE TIME THIS CHARTER ORDINANCE TAKES EFFECT, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS: PROVIDING FOR THE ELECTION AND APPOINTMENT OF CITY OFFICERS, CITY ELECTIONS, THE TERMS OF ELECTIVE AND APPOINTIVE OFFICERS, THE FILLING OF VACANCIES FOR ELECTIVE AND APPOINTIVE OFFICERS, PROCEDURES FOR RESOLUTION OF TIE VOTE ELECTIONS, QUALIFICATION OF OFFICERS FOR ELECTIVE AND APPOINTIVE OFFICES, OATHS AND BONDS FOR ELECTIVE AND APPOINTIVE OFFICES, COMPENSATION FOR ELECTIVE AND APPOINTIVE OFFICES AND REPEALING CHARTER ORDINANCES NOS. 2 AND 3.

Section 1. Exemption Clause. The City of Roeland Park, Johnson County, Kansas a mayor-council city of the second class by the authority and power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and does, exempt itself from and makes inapplicable to it Sections 14-103, 14-201, 14-204, 14-205, 14-308, 25-2117, 25-2120, 25-3108, 54-110 and 54-116 of the Kansas Statutes Annotated as amended and in force at the time this charter ordinance takes effect, which apply only to mayor-council cities of the second class and applying to this city, and hereby provides itself substitute and additional provisions as herein provided.

Section 2. Elective and Appointive Offices; Terms; Compensation.
(Amended by C.O. No. 14, Sec. 2)

Section 3. Tie Vote. (a) A tie vote shall be deemed to have occurred in the election for any elective officer of the city if any two or more persons have an equal number of votes and more than any other person for the same office.

(b) Whenever there shall be a tie vote in the election for a mayor or the election for a judge of the municipal court, the city council canvassing the return shall determine by lot the person entitled to receive the certificate of election in the following manner: The names of the candidates who are tied for the elective office in question shall be written on separate slips of paper and deposited in a suitable receptacle and thoroughly mixed, thereafter the president of the council shall be blind-folded and shall withdraw from said receptacle one slip of paper, and read aloud in public and before the other councilmen assembled acting as the board of canvassers, the name appearing thereon, and the person whose name was chosen and read aloud shall be deemed to be the duly elected officer, thereby breaking the tie vote. In the event the president of the council is a candidate for the office in which the tie vote occurs, then the next senior member of the council shall break the tie in the manner herein prescribed.

(c) Whenever there shall be a tie vote in the election of a councilman, it shall be determined by lot by the mayor in the following manner: The names of the candidates who are tied for office shall be written on separate slips of paper and deposited in a suitable receptacle and thoroughly mixed, thereafter the mayor shall be blind-folded and shall withdraw one slip of paper and exhibit and read aloud in public before the councilmen assembled, acting as the board of canvassers, the name appearing thereon, and the person whose name was chosen and read aloud shall be deemed to be the duly elected councilman, thereby breaking the tie vote. In the event the mayor is a candidate for the office of councilman in which the tie vote occurs, the president of the council shall break the tie vote in the manner herein prescribed. In the event both the mayor and the president of the council are candidates for the office in which a tie vote occurs, then the next senior member of the council shall break the tie in the manner herein prescribed.

Section 4. Qualifications, Appointments and Vacancies in Elective and Offices.
(Repealed and Amended by Charter Ordinance No. 14)

Section 5. Oath and Bond. The council may require all city officers, whether elected or appointed, to take and subscribe an oath and give bonds as security for faithful performance of their duties. The form of oath to be taken by an officer, whether elected or appointed, shall be as follows:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States of America, the laws of the United States of America, the Constitution of the State of Kansas, the laws of the State of Kansas, and the ordinances, charter or ordinary, of the City of Roeland Park, Johnson County, Kansas, and to the best of my ability, faithfully and honestly discharge the duties and obligations of _____ So help me God."

The mayor shall administer all oaths of office, whether elected or appointed, except that the judge of the municipal court shall administer the oath of the office of mayor.

Section 6. Repeal. Pursuant to the power and authority granted to the city by Article 12, Section 5(c)(4) of the constitution of the State of Kansas, Charter Ordinance No. 2 of the city as passed by the governing body of the city on the 1st day of March, 1963, and Charter Ordinance No. 3 as passed by the governing body and approved by the mayor on the 20th day of November, 1968 are hereby repealed, effective upon the enactment of this charter ordinance.
(08-28-85)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE AMENDING PARAGRAPH (g) OF SECTION 4 OF CHARTER ORDINANCE NO. 5 OF THE CITY OF ROELAND PARK.
(Repealed by C.O. No. 12)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE ESTABLISHING A PURCHASING PROCEDURE FOR THE CITY OF ROELAND PARK, KANSAS AND REPEALING ORDINANCE NO. 492.

Section 1. Purpose. The purpose of this charter ordinance is to provide internal guidelines and procedures to be followed in purchasing goods and services for the city. The procedures provided herein supercede all prior purchasing directions, memoranda and practices.

Section 2. Annual Budget. The city council shall approve and establish goals, priorities and standards for city programs and services through adoption of the city's annual budget. The budget shall establish expenditure levels for each department of the city which may only be exceeded upon approval of the city council.

Section 3. General Standards. All purchases made by the city shall demonstrate a reasonable and good faith effort to obtain goods and services at the

lowest possible cost with the optimum quality required. Competition among suppliers shall be encouraged. Venders shall be treated in a fair and businesslike manner.

Section 4. Competitive Bids. Except when a procedure is otherwise required by law, the purchase of goods or services by the city shall be conducted in the following manner:

(a) All purchases estimated to exceed \$1,000 shall be made upon competitive bid and so far as practicable shall be based upon at least three competitive quotations. Quotations shall be obtained in writing, by telephone, or from current catalog price lists. Bids shall be recorded as provided in section 1-807 hereof.

(b) All purchases estimated to exceed \$5,000 shall require preparation of specifications and sealed bids shall be solicited by notice published at least once in a newspaper of general circulation in Johnson County not less than one week prior to the date specified for the opening of the bids. All bids so solicited shall be sealed when received and shall be opened in public at the hour stated in the notice. Unless otherwise provided in the notice soliciting the bids, the bids shall be opened at an official city council meeting.

Section 5. Competitive Bids: Exceptions.
(Amended by C.O. No. 13).

Section 6. Considerations in Award of Bids. The city council, in awarding bids, shall consider the following:

- (a) The amount of the bid;
- (b) The demonstrated responsibility of the bidder;
- (c) The conformity of the bid to the specifications;
- (d) The terms of delivery;
- (e) The geographic location of the bidder;
- (f) The quality of the material, product or service to be supplied;
- (g) The percentage of the work to be actually performed by the bidder;
- (h) The ability of the bidder to obtain bonds and furnish the necessary insurance coverages;
- (i) Such factors as may be specified in the notice soliciting bids; and ,
- (j) Any other factor the city council may deem appropriate.

The city council need not accept the lowest bid if the city council determines it is not in the best interest of the city to do so. The city council may reject any and all bids and a bid shall be rejected if it contains any material alteration or erasure. In the case all bids are rejected, the city council may call for new bids as in the first instance or may be determined to abandon the bidding.

Unless otherwise specifically determined by the city council, a contract will not knowingly be awarded to a contractor unless the contractor being awarded the contact will perform at least 51% of the cost of the work specified in the contract.

Any change order exceeding 10% of the original contract shall require the prior approval of the city council.
(C.O. No. 7, Sec. 6)

Section 7. Records Maintained. All purchasing activities shall be documented to verify a good faith effort to obtain the lowest possible price at the optimum quality. Such documentation shall include a list of vendors solicited, persons contacted, dates, quantities, any quotations or bids obtained, any entertainment or promotion as provided to city employees or officials and any other pertinent information. Upon the purchase of any time, the documentation shall include verification of receipt showing the actual cost, which documentation may be provided by receiving slips, detailed invoices and/or receipts.

Each department head shall establish and maintain a list of potential bidders for goods and services routinely required by the city.

Section 8. Repealed by C.O. No. 12.

Section 9. Repealed by C.O. No. 12.

Section 10. Repealed by C.O. No. 12.

Section 11. Voucher. Request for payment of goods or services shall be submitted on a request for voucher form which shall be signed by the employee requesting the payment and the department head or his or her designee and shall include the following information:

- (a) The vendor's name, address, and identification number;
- (b) The date;
- (c) The applicable budgetary account number per each item;
- (d) A clear and detailed description of the expense(s);
- (e) The amount of each item and the grand total; and,
- (f) The date payment is due.

Section 12. Repealed by C.O. No. 18.

Section 13. Notice to Bidders. All prospective bidders shall be notified orally in the case of bids taken under the procedure set forth in section 1-804(a) and in writing in the case of bids taken under the procedure set forth in section 1-804(b) of the provisions of this charter ordinance.

(04-20-88)

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE AMENDING SECTION 5 OF CHARTER ORDINANCE NO. 7, PERTAINING TO EXCEPTIONS TO COMPETITIVE BIDS, AND REPEALING EXISTING SECTION 5 OF CHARTER ORDINANCE NO. 7.

(Repealed by C.O. No. 13)

CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 4 OF CHARTER ORDINANCE NO. 5, REPEALING CHARTER ORDINANCE NO. 6,

AND REPEALING SECTION 8, 9 AND 10 OF CHARTER ORDINANCE NO. 7, ALL RELATING TO ELECTIVE AND APPOINTIVE OFFICES, AND PROVIDING ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Roeland Park, Kansas, by the power vested in it in Article 12, Section 5, of the Kansas Constitution, hereby elects to and does amend existing Section 4 of Charter Ordinance No. 5, and add supplemental provisions on the same subject.

Section 2. Section 4 of Charter Ordinance No. 5, as previously amended by Charter Ordinance No. 6, is hereby amended to read as follows:

Section 4. Qualifications, Appointments and Vacancies in Elective and Appointive Offices.
(Amended by C.O. No. 14, Sec. 3)

Section 3. Code of Ethics for Elective and Appointive Offices; Declaration of Policy. The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for certain city officials is hereby established. The purpose of this code is to establish guidelines for ethical standards of conduct for such officials by setting forth those acts or actions that are incompatible with the best interests of the city and directing disclosure by such officials of private financial or other interests in matters affecting the city.

Section 4. Same; Definitions.

(a) Interest - means direct or indirect pecuniary or material benefit accruing to a public officer as a result of a contract or transaction which is or may be the subject of any official act or action by or with the city, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

For the purposes of this code, a public officer shall be deemed to have an interest in the affairs of:

(1) Any person related to him/her by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity (determined by the civil law method), and a divorce or separation between spouses shall not be deemed to terminate any such relationship;

(2) Any person or business entity with whom a contractual relationship exists with the public officer that would be positively or negatively impacted by that individual's relationship with the city;

(3) Any business entity in which the public officer is an officer, director, or member having a financial interest in, or by which the public officer is employed;

(4) Any business entity in which the stock of; or legal or beneficial ownership of, in excess of five percent of the total stock or total legal and beneficial ownership, is controlled or owned by the public officer.

(b) Official Act or Action - means any legislative, administrative, appointive or discretionary act of any officer of the city or any agency, board, committee or commission thereof.

(c) Business Entity - means any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust, corporation, limited liability company, or similar business organization.

(d) Public Officer - means any person, officer holding a position by election or appointment in the service of the City of Roeland Park, whether paid or unpaid, including members of any board, committee or commission thereof.

(e) Transaction - shall be defined as any activity that engages the authorization, approval, involvement in an official capacity of a public officer that did or could result in the expenditure of city funds.

(f) Special Prosecutor - shall be defined as that individual who is licensed to practice law in the State of Kansas who does not currently serve the city that is selected by the governing body.

Section 5. Same; Standards of Conduct.
(Repealed and Amended by C.O. No. 16)

Section 6. Same; Exceptions to Code of Ethics.

(a) It shall not be deemed a violation of the standards of the code if the interest of a public officer in a person or business entity is a contractual obligation of less than \$500.00 which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under an obligation to make or incur.

(b) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this code. A contract for a commercial retail sale, even though over the value of \$500.00, shall not be deemed to create an interest in violation of this code.

Section 7. Same; Disclosure of Interest in Legislative Action.

(a) Any member of the governing body who has a financial interest or personal interest in any proposed legislation before the governing body shall disclose on the record the nature and extent of such interest.

(b) Any other public officer who has a financial or personal interest in any proposed legislative action of the governing body and who participates in discussion with or gives an official opinion or recommendation to the governing body, shall disclose on the record of the nature and extent of such interest.

Section 8. Same; Enforcement.

(a) A specially appointed prosecutor selected by the governing body as a whole shall have the primary responsibility for the enforcement of this code. He or she shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the city where such action is appropriate.

(b) The governing body may direct the special prosecutor to investigate or prosecute any violation of the code or prosecute any violation or series of violations by one or more persons of this charter ordinance.

(c) Any person who believes that a violation of any portion of the code has occurred may file a complaint with the special prosecutor or with the governing body who may choose thereafter to proceed as provided for under subsections (f)(1) or (2).

Section 9. Same; Advisory Opinions.
(Repealed and Amended by C.O. No. 15)

Section 10. Same; Violations: Penalties; Forfeited Positions.

(a) Any public officer who willfully and knowingly violates any of the provisions of Sections 5 or 7 of this charter ordinance shall be guilty of a public offense.

(b) Whenever the special prosecutor determines that a public officer has violated any of the provisions of Sections 5 or 7, he or she shall have authority to file charges with respect to such violations in the municipal court, to be prosecuted in the same manner as any other public offense. Any public officer found guilty of violating any provision contained in Sections 5 or 7 of this charter ordinance, shall be punished in accordance with the penalties set forth in section 1-117 of the Code of City of Roeland Park, Kansas.

(c) As an alternative to filing charges in municipal court, the special prosecutor may elect to file a civil action in the District Court of Johnson County, Kansas, seeking a declaratory judgment that the public officer is guilty of a public offense. In addition, where the violation by the public officer has resulted in financial harm to the city or financial profit or gain to the public officer, the special prosecutor is authorized to seek damages in an amount not to exceed twice the financial harm suffered by the city or twice the profit or gain realized by the public officer, whichever is greater.

(d) Whenever any public officer has been found guilty of a public offense either by the Municipal Court or the District Court of Johnson County, Kansas, such public officer shall immediately forfeit his or her office or position and, in the case of an elected official, a vacancy in the office shall be declared.

Section 11. Same; Distribution of Code of Ethics. The city clerk shall cause a copy of the code of ethics to be distributed to every public officer of the city within 30 days after enactment of this charter ordinance. Each public officer elected or appointed thereafter shall be furnished a copy and file a signed version with the city before entering upon the duties of his or her office.

(03-19-97)

CHARTER ORDINANCE NO. 13

A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-111, RELATING TO MEETINGS OF THE CITY COUNCIL, AND PROVIDING SUBSTITUTE AND ADDITIONAL

PROVISIONS ON THE SAME SUBJECT; ALSO AMENDING AND REPEALING CHARTER ORDINANCE NO. 8 PERTAINING TO EXCEPTIONS TO COMPETITIVE BIDS AND APPROVAL THEREOF AT MEETINGS OF THE CITY COUNCIL; ALSO REPEALING SECTION 1-206 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

Section 1. The City of Roeland Park, 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 K.S.A. 14-111, which statute applies to said city but does not apply uniformly to all cities, and to provide substitute and additional provisions as hereinafter set forth in this charter ordinance.

Section 2. (Repealed and Amended by C.O. No. 19.)

Section 3. Section 5 of Charter Ordinance No. 7, as previously amended by Charter Ordinance No. 8, is hereby amended to read as follows:

Competitive Bids; Exceptions. Notwithstanding the provisions of Section 4 of Charter Ordinance No. 7, competitive bids shall not be required under any of the following circumstances:

- (a) The goods or services are available from only one vendor;
- (b) An emergency exists;
- (c) The repair or maintenance work does not substantially alter, add to, or change any equipment, building, structure or facility;
- (d) A concession or maintenance service agreement is being renewed for good workmanship, material or performance for a period not exceeding one year;
- (e) It is advantageous to purchase through the purchasing contracts of other governmental agencies; or
- (f) Professional services are being obtained pursuant to qualification-based selection.

A written request to not obtain competitive bids shall be submitted to and approved by the city council at a regular or a special meeting of the city council. In the event that the mayor determines, in his or her sole discretion, that an emergency exists, within the meaning of subsection (b) above, the mayor may call a special city council meeting without a written request of three members of the city council. The approval of any request to not obtain competitive bids may be approved by simple majority of those councilmembers present at a regular or special city council meeting at which a quorum is present.

In addition to the foregoing, competitive bids and council approval not to obtain competitive bids shall not be required for the purchase of salt, sand, and asphalted concrete when the cost of the particular material purchased does not exceed \$15,000 in any month.

Section 4. Charter Ordinance No. 8 and Section 1-206 of the Code of the City of Roeland Park, Kansas are hereby repealed.

(11-19-97)

CHARTER ORDINANCE NO. 14

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 2 OF CHARTER ORDINANCE NO. 5 AND SECTION 2 OF CHARTER ORDINANCE NO. 12, RELATING TO ELECTIVE AND APPOINTIVE OFFICES.

Section 1. The City of Roeland Park, Kansas, by the power vested in it in Article 12, Section 5, of the Kansas Constitution, hereby elects to and does amend Section 2 of Charter Ordinance No. 5, and Section 4 of Charter Ordinance No. 5, as previously amended by Charter Ordinance No. 6 and Section 2 of Charter Ordinance No. 12.

Section 2. Section 2 of Charter Ordinance No. 5 is hereby amended to read as follows:

Section 2. Elective and Appointive Offices; Terms; Compensation: There shall be elected on the first Tuesday succeeding the first Monday in April, 1989, and every four years thereafter, a mayor. Each ward of the city shall be represented by, and shall elect two councilmembers. There shall be elected on the first Tuesday succeeding the first Monday in April, 1987, and every four years thereafter, one councilmember from each of the wards of the city and there shall be elected on the first Tuesday, succeeding the first Monday in April, 1989, and every four years thereafter, one councilmember from each of the wards of the city. There shall be elected on the first Tuesday succeeding the first Monday in April, 1989, and every four years thereafter, a judge of the municipal court. The mayor, councilmembers and municipal judge shall hold their offices for a term of four years. The mayor shall appoint, upon the advice and consent of the council, at the first regular meeting of the council in August, 1986, and every August thereafter, a city treasurer, city attorney, and other officers as he or she may deem necessary. The foregoing appointive officers shall hold their offices for one year, until resignation, removal from office by the mayor, death, or until one of the events set forth in Section 4(b) of Charter Ordinance No. 5, as amended by Section 3 of this charter ordinance, shall occur. Should any person be appointed to fill a vacancy in an appointive office, then such person shall occupy such appointive office until the expiration of the one year term of appointment of the person originally appointed to such office, until resignation, removal from office by the mayor, death, or until one of the events set forth in Section 4(b) of Charter Ordinance No. 5, as amended by Section 3 of this charter ordinance, shall occur. The council shall by ordinary ordinance specify the duties and compensation of the foregoing appointive offices and may, by charter ordinance, abolish any office created herein whenever they deem it expedient.

(b) The council, by ordinary ordinance, shall specify the compensation of the mayor, each councilman and the judge of the municipal court

Section 3. (Repealed and Amended by C.O. No. 20)

Section 4. Section 2 of Charter Ordinance No. 5 and Section 2 of Charter Ordinance No. 12 are hereby repealed.

(01-21-98)

CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 9 OF CHARTER ORDINANCE NO. 12, RELATING TO ADVISORY OPINIONS OF THE SPECIAL PROSECUTOR.

Section 1. The City of Roeland Park, 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 amend Section 9 of Charter Ordinance No. 12.

Section 2. Section 9 of Charter Ordinance No. 12 is hereby amended to read as follows:

SECTION 9. Same: Advisory Opinions.

(a) When any public officer has a doubt as to the applicability of any provision of this code to a particular situation, or as to the definition of terms used herein, he/she may apply to the special prosecutor for an advisory opinion. The officer shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made.

(b) Such opinion until amended or revoked shall be binding on the City, the City Council, and the special prosecutor in any subsequent actions concerning the public officer who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen.

(c) My advisory opinion prepared by the special prosecutor shall be confidential information and shall not be disclosed by the special prosecutor unless the public officer waives such confidentiality.

(d) Whenever, at any meeting of the City Council, any person states or alleges that the participation of any member of the Governing Body with respect to any matter on the agenda for action by the Governing Body at that meeting would or may result in a violation of this code, the Governing Body member affected shall have the absolute right to have the matter tabled until the next regular meeting of the City Council in order to afford said Governing Body member an opportunity to obtain an advisory opinion from the special prosecutor.

Section 3. Section 9 of Charter Ordinance No. 12 is hereby repealed.
(06-30-99)

CHARTER ORDINANCE NO. 16

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 5 OF CHARTER ORDINANCE NO. 12 RELATING TO ELECTIVE AND APPOINTIVE OFFICES, AND PROVIDING ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Roeland Park, Kansas, by the power vested in it by Article 12, Section 5, of the Kansas Constitution, hereby elects to and does amend

existing Section 5 of Charter Ordinance No. 12, and add supplemental provisions on the same subject.

Section 2. Section 5 of Charter Ordinance No. 12 is hereby amended to read as follows:

SECTION 5. Same; Standards of Conduct.

(a) The requirements herein set forth shall constitute reasonable standards and guidelines for the ethical conduct of public officers of the City.

(b) Interest in Contract or Transaction. No public officer having the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the City, shall:

(1) Have or hereafter acquire an interest in such contract or transaction, or

(2) Have an interest in any business entity representing, advising or appearing on behalf of; any person involved in such contract or transaction, whether paid or unpaid or

(3) Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction, or

(4) Have solicited, accepted or granted a present or future gift, service or thing of value from or to a person involved in such contract or transaction.

(c) Exceptions. The prohibition against gifts, services or things of value in Subsection 5(b)(4) shall not apply to

(1) An occasional non-pecuniary gift, service or thing of value, insignificant in value (\$50.00 or less), or

(2) An award publicly presented in recognition of public services.

(d) Pre-acquisition of Interest. No public officer, with respect to any contract or transaction which is or is under consideration as an official act or action of the City, shall acquire an interest in or affected by such contract or transaction at a time when the public officer believes or has reason to believe that it will directly or indirectly be affected by an official act or action of the City.

(e) Disclosure of Information Prohibited. No public officer, with respect to any contract or transaction which is or is under consideration of an authorization, shall disclose information specifically intended to be confidential concerning the property, government or affairs of the City, or use such information to advance the financial interest of him/herself or others.

(f) Incompatible Service. No public officer shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this code.

(g) Appearances. No public officer shall appear on behalf of any private person, other than him/herself, his/her spouse or minor children, before any City agency or the Municipal Court. However, a member of the Governing Body may appear before City agencies on behalf of his/her constituents in the course of his/her duties as a representative of the electorate or in the performance of public or civic obligations.

(h) Public Contracts. No public officer who in his/her capacity as such officer participates in the making of a contract in which he/she has a private pecuniary

interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his/her part, shall enter into any contract with the City unless:

(1) The contract is awarded through a process of public notice and competitive bidding, or

(2) The special prosecutor waives the requirement of this section after determining that it is in the best interests of the City to do so.

(i) Public Property. No public officer shall engage in, request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for the operation of a private business or for personal use.

(3) Later Case Interest. No public officer shall, after the termination of service with the City, appear for pay before any board, commission, committee or agency of the City in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service, or which was under his/her active consideration. No elected official shall apply for or be considered for any employment with the city following his or her departure from elected office for the length of his/her tenure or four years, whichever is the longest.

(k) Use of Computers by Elected Officials. Any computer ("computer" being defined to include desktop as well as portable computers; computer functions such as internet access, electronic mail and broadband broadcast; computer databases; servers; hardware; and software) provided by the City for use by elected officials shall be restricted to use for official City business. No elected official shall use any such computer for personal use or cause, permit or allow any other person to use or access any such computer for other than official City business. Use of any such computer for political purposes, including campaigns for City offices, shall be considered to be personal use. Unless approved by the Governing Body, use of any such computer for fund raising activities shall be considered to be personal use.

Section 3. Section 5 of Charter Ordinance No. 12 is hereby repealed.
(08-30-00)

CHARTER ORDINANCE NO. 17

A CHARTER ORDINANCE EXEMPTING THE CITY OF ROELAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 41-712 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AMENDING AND REPEALING EXISTING SECTION 3-304 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

Section 1. The City of Roeland Park, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from the provisions of K.S.A. 41-712, part of an enactment known as the Liquor Control Act, which enactment applies to this City but does not apply uniformly to all cities.

Section 2. The provisions of Section 3-304 of the Code of the City of Roeland Park, Kansas, as set forth in Section 3 of this ordinance, and as may be amended from time to time, shall be substituted for the provisions of K.S.A. 41-712.

Section 3. Section 3-304 of the Code of the City of Roeland Park, Kansas, is hereby amended to read as follows:

3-304. HOURS OF SALE. No person shall sell at retail any alcoholic liquor before 9:00 a.m. or after 11:00 p.m. on any day.

Section 4. Existing Section 3-304 of the Code of the City of Roeland Park, Kansas, is hereby repealed.
(08-20-03)

CHARTER ORDINANCE NO. 18

A CHARTER ORDINANCE REPEALING SECTION 12 OF CHARTER ORDINANCE NO. 7.

Section 1. Section 12 of Charter Ordinance No. 7 is hereby repealed.
(10-06-04)

CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE AMENDING EXISTING SECTION 2 OF CHARTER ORDINANCE NO. 13 RELATING TO SPECIAL MEETINGS OF THE GOVERNING BODY; REPEALING EXISTING SECTION 2 OF CHARTER ORDINANCE NO. 13 AND SECTION 1-206 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

Section 1. Existing Section 2 of Charter Ordinance No. 13 is hereby amended to read as follows:

Except as otherwise provided in Section 3 of Charter Ordinance No. 13, special meetings of the Governing Body shall be called by the Mayor at any time upon written request of not fewer than three members of the City Council.

Section 2. Existing Section 2 of Charter Ordinance No. 13 and Section 1-206 of the Code of the City of Roeland Park, Kansas are hereby repealed.
(07-17-06)

CHARTER ORDINANCE NO. 20

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 3 OF CHARTER ORDINANCE NO. 14 RELATING TO ELECTIVE AND APPOINTIVE OFFICES.

Section 1. Existing Section 3 of Charter Ordinance No. 14, amending Section 4 of Charter Ordinance No. 5, as previously amended by Charter Ordinance No. 6 and Section 2 of Charter Ordinance No. 12, is hereby amended to read as follows:

Qualifications, Appointments and Vacancies in Elective and Appointive Offices

(a) Candidates for the office of mayor shall be at least 21 years of age on the date of the election and shall be a resident and qualified elector of and within the city. Candidates for councilmember shall be at least 21 years of age on the date of the election and shall be a resident and qualified elector of the ward for which they stand for election from. Candidates for office of the judge of the municipal court shall be an attorney in good standing and licensed to practice law within the State of Kansas and a qualified elector of the city. Should any person be elected to the office of mayor or judge of the municipal court and thereafter move their place of domicile to outside the limits of the city, then such person shall cease to be mayor or judge of the municipal court and a vacancy shall be deemed to exist and said vacancy shall be filled as herein provided. In the event that any person elected to the council should change their place of domicile to outside the ward from which they were elected then a vacancy shall be deemed to exist for such position and said vacancy shall be filled as herein provided.

(b) For the appointive office of city treasurer, it shall be necessary for such person to maintain residency within the city limits of the city. In the event that a person is appointed to such office and he/she is not, at the time of appointment, a resident within the limits of the city, then such person shall establish residency within the limits of the city by no later than 120 days after the date of appointment. Should any person appointed to such office move his or her place of domicile to outside the limits of the city, or fail to establish residency within the city within 120 days of appointment, then a vacancy shall be deemed to exist in such appointive office and the mayor shall appoint a person to fill such vacancy as herein provided, except the mayor shall not appoint or reappoint such person who has moved his/her residence from within the limits of the city, or has failed to move to within the limits of the city within 120 days of his/her appointment, so as to create the vacancy.

(c) The mayor shall appoint as city attorney an attorney in good standing and licensed to practice law within the State of Kansas. A person appointed to the office of city attorney need not be a resident or qualified elector of the city.

(d) The mayor may appoint a city engineer who shall be a professional engineer licensed in the State of Kansas. Such person need not be a resident of the city.

(e) In the event that a vacancy in the office of the mayor should occur because of death, resignation, removal from office for cause, change of residency to outside the limits of the city, then, if the president of the council has executed a non-candidacy statement as hereinafter set forth, he or she shall become the mayor until his or her successor is elected as hereinafter provided. If the president of the council has not executed a non-candidacy statement, then the most senior councilman (determined by most recent continuous time in office) who has executed a non-candidacy statement shall serve as mayor until his or her successor is elected. In the event there is not one councilman who is the most senior then the council shall choose the mayor from among the most senior councilmen who have executed non-candidacy statements. A successor to the mayor shall be selected in the following manner:

(1) In the event that the vacancy occurs more than 60 days prior to the filing deadline for the next regular city election at which a mayor would be elected, the city clerk shall, within 10 days of the occurrence of the vacancy cause a notice to be

mailed to every residence in the city. The notice shall be in substantially the following form:

"A vacancy existed in the office of Mayor of the City; such vacancy has been temporarily filled. However, a special election will be held to elect a successor to fill the unexpired term of the Mayor of the City. Candidates for the position of Mayor must be at least 21 years of age on the date of the election and a resident and qualified elector of the City. Anyone wishing to be a candidate for the remaining term which expires _____, 20____ should contact the city clerk and obtain a statement of candidacy. In order to be a candidate, the statement of candidacy together with a filing fee of \$10.00 or in lieu of such filing fee, a petition signed by 50 qualified electors of the City or by at least one percent of the number of ballots cast and counted in the last general city election, whichever is less, must be filed with the city clerk by _____, 20_____."

A copy of the Notice shall be published once in the official city newspaper not later than 14 days after the vacancy occurs.

The city clerk shall, within five days of the occurrence of the vacancy, notify the Election Commissioner that a special election will need to be held within the city and shall obtain from the Election Commission a date for such election consistent with the time provided in (iii) hereof.

(2) Any person desiring to be a candidate must file the statement of candidacy and pay the filing fee or submit the proper petition by 5:00 p.m. on the 20th day following the mailing of the notice.

(3) The city shall hold a special election for the purpose of electing a Mayor from among those persons who have properly filed a statement of candidacy as hereinbefore set forth. Such special election shall be held not less than 60 days nor more than 70 days following the date upon which such vacancy occurred. Only qualified electors of the city shall be entitled to vote. The candidate receiving the greatest number of votes upon certificate of the results by the county election officer shall assume the position of Mayor at the first regular meeting of the governing body following certification of the election.

(4) Failure to follow the precise procedure provided herein shall not invalidate the results of any election held hereunder.

(5) In the event that the vacancy occurs less than 60 days prior to the filing deadline for the next regular city election at which a Mayor would be elected, the procedure provided herein shall not apply and the candidate receiving the greatest number of votes for the position of Mayor at such regular city election shall succeed to the office of Mayor.

The non-candidacy statement shall be in substantially the following form:

The undersigned councilman of the City of Roeland Park hereby states that I will not be a candidate for the position of Mayor to fill the unexpired term caused by the vacancy in office of the Mayor occurring more than 60 days prior to the filing deadline for the next regular city election at which the Mayor would be elected or if such vacancy has occurred within 60 days of such filing deadline, I will not be a candidate for the position of Mayor in the next regular city election at which a mayor would be chosen. I agree not to file a statement of candidacy for such position and further agree that any such statement filed by me or on my behalf shall be void and of no force or effect and that the Election Commission shall not include my name on any list of candidates for the position of mayor at any election conducted under the provisions of this subsection.

(f) In the event that a vacancy in the office of councilmember should occur by reason of resignation, with or without acceptance by the mayor, death, removal from office for cause, or change of residency to outside the ward from which said councilmember was elected, the vacancy shall be filled in the following manner:

(1) In the event that the vacancy occurs more than 60 days prior to the filing deadline for the next regular city council election, the city clerk shall, within 10 days of the occurrence of the vacancy, cause notice of such vacancy to be mailed to every residence in the ward in which the vacancy occurred. The notice of the vacancy shall be in substantially the following form:

"A vacancy exists in the position of councilmember from your ward. A special election will be held to elect a successor to fill the vacancy. Candidates for the position of councilmember must be at least 21 years of age on the date of the election and a resident and qualified elector of the ward for which they stand for election from. Anyone wishing to be a candidate for the remaining term which expires _____, 20____ should contact the city clerk and obtain a statement of candidacy. In order to be a candidate, the statement of candidacy together with a filing fee of \$10.00 or in lieu of such filing fee, a petition signed by 50 qualified electors of the ward or by at least one percent of the number of ballots cast in the ward in the last general city election, whichever is less, must be filed with the city clerk by _____, 20_____.

Notice of the vacancy shall be published once in the official city newspaper not later than 14 days after the vacancy occurs.

The city clerk shall, within five days of the occurrence of the vacancy, notify the Election Commissioner that a special election will need to be held within the city and shall obtain from the Election Commissioner a date for such election consistent with the time provided in (iii) hereof.

(2) Any person desiring to be a candidate must file the statement of candidacy and pay the filing fee or submit the proper petition by 5:00 p.m on the 20th day following the mailing of the notice.

(3) The city shall hold a special election for the purpose of electing a councilmember from among those persons who has properly filed a statement of candidacy as hereinbefore set forth. Such special election shall be held not less than 60 days nor more than 70 days following the date upon which such vacancy occurred. Only qualified electors within the ward in which the vacancy occurred shall be entitled to vote. The candidate receiving the greatest number of votes upon certification of the results by the county election officer shall assume the position of councilmember at the first regular meeting of the governing body following certification of the election.

(4) Failure to follow the precise procedure provided herein shall not invalidate the results of any election held hereunder.

(5) In the event that the vacancy occurs less than 60 days prior to the filing deadline for the next regular city council election, the vacancy shall not be filled prior to the next regular city council election and the candidate receiving the greatest number of votes for the vacancy position at the next regular city council election shall fill the vacancy for the remaining term.

(6) If at any time there are more than two vacancies existing in the office of councilmember or in the event no person files a statement of candidacy as provided herein to fill the vacancy council position, the mayor, upon the advice and consent of a majority of the remaining councilmembers, shall appoint a suitable resident and

qualified elector of the ward in which said vacancy occurs to complete the unexpired term of office.

(g) In the event that a vacancy in the office of judge of the municipal court should occur by reason of resignation, with or without acceptance by the mayor, death, removal from office for cause, or change of residency to outside the limits of the city, the mayor, upon the advice and consent of a majority of the councilmembers, shall appoint a suitable resident and qualified elector of the city to fill the vacancy in the office of judge of the municipal court to complete the unexpired term. Any person appointed to fill such a vacancy in the office of judge of the municipal court shall be an attorney in good standing and licensed to practice law in the State of Kansas.

(h) In the event of a vacancy occurring in any appointive office, the mayor shall, by and with the consent of the city council, appoint a person to fill the vacancy. Such appointment shall be made within 60 days of the occurrence of such vacancy and the person so appointed shall serve for the remainder of the unexpired term. Any person so appointed shall meet the requirements of this ordinance applicable to such position.

(i) No person shall hold or occupy more than one office of the city, whether elective or appointive, at the same time.

(j) For purposes of this section, the phrase removal from office for cause shall refer to removal pursuant to Section 10 of Charter Ordinance No. 12.

Section 2. Existing Section 3 of Charter Ordinance No. 14 is hereby repealed.
(08-21-06)