

CHARTER ORDINANCE NO. 20

A CHARTER ORDINANCE EXEMPTING THE CITY OF MERRIAM, KANSAS FROM THE PROVISIONS OF SECTION 14-205 OF THE KANSAS STATUTES ANNOTATED, RELATING TO THE APPOINTMENT OF CITY OFFICERS, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCE NO. 1.

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

Section 1. The City of Merriam, Kansas (the "City") under the authority of Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and makes inapplicable to it, Section 14-205 of the Kansas Statutes Annotated, which applies to the City but the provisions of which do not apply uniformly to all cities, and provide substitute and additional provisions on the same subject.

Section 2. The City under the authority of Article 12, Section 5, of the Constitution of the State of Kansas, previously elected, pursuant to Charter Ordinance No. 1 and Charter Ordinance No. 9 to exempt itself from Section 14-201 of the Kansas Statutes Annotated, which applies to the City but the provisions of which do not apply uniformly to all cities. The City hereby, under said Constitutional authority, elects to provide substitute and additional provisions on the same subject.

Section 3.

A. Appointed Officers. The Mayor shall, by and with the consent of the Council, appoint the following officers: municipal judge, city treasurer, city attorney and city prosecutor (hereinafter referred to as "Appointed Officers" or individually as "Appointed Officer"). The Appointed Officers shall hold office commencing on the date set by ordinance for a term of two (2) years and until their successors are appointed and qualified. The Council may by ordinance and/or written contract specify said Appointed Officers' duties and compensation.

B. Vacancy in Position of Appointed Officer. In the event a vacancy occurs in one of the Appointed Officer positions, said position shall be filled by appointment of the Mayor, with the consent of the Council, for the balance of the unexpired term. Such appointee may be appointed for future terms in the same manner as prescribed in Section 2.A. herein.

C. Removal of Appointed Officers. An Appointed Officer may be removed from his or her position upon the recommendation of the Mayor and majority vote of the Governing Body.

Section 4. Other Officers. The Mayor may appoint, by and with the consent of the Council, any officers deemed necessary. The Council shall by ordinance specify the duties and compensation of such officers, and by ordinance may abolish any office so created by the Council whenever deemed expedient.

Section 5. No Impact on Current Officers. The terms of this Charter Ordinance shall in no way be interpreted or construed so as to remove from their respective positions those individuals currently serving as an Appointed Officer, nor shall the terms hereof be interpreted or construed so as to bestow upon such individuals any rights not otherwise established herein or by law.


Section 6. Repeal. Charter Ordinance No. 1 is hereby repealed.


Section 7. Publication. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

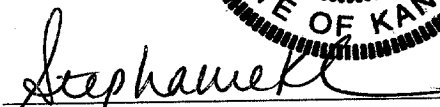
Section 8. Take Effect. This Charter Ordinance shall take effect sixty-one (61) days after its final publication unless a sufficient petition for a referendum is filed as provided in Article 12, Section 5, subsection (c)(3) of the Constitution of the State of Kansas, in which case the Ordinance shall become effective upon approval by a majority of electors voting at an election held on the Ordinance.

PASSED BY THE GOVERNING BODY, NOT LESS THAN TWO-THIRDS OF THE MEMBERS ELECT VOTING IN FAVOR THEREOF, THE 26 DAY OF July, 2004.

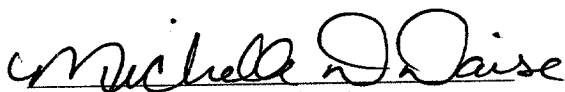
APPROVED AND SIGNED BY THE MAYOR ON THE 26 DAY OF July, 2004.


CARL WILKES, Mayor
(SEAL)
ATTEST:


The seal is circular with a double-line border. The outer ring contains the text "CITY OF MERRIAM" at the top and "STATE OF KANSAS" at the bottom, separated by two small decorative motifs. In the center of the seal, the word "SEAL" is written in a large, bold, serif font.


Stephanie K. Dawkins, City Clerk

APPROVED AS TO FORM:


Michelle D. Daise, City Attorney

I hereby certify that the foregoing charter ordinance was published in the official City newspaper on the 3rd day of August, 2004, and again on the 10 day of August, 2004.


Stephanie K. Dawkins, City Clerk

No petition demanding that such ordinance be submitted to a vote of the electors was filed with the City Clerk within sixty-one (61) days of the final publication of said ordinance.


Stephanle K. Dawkins, City Clerk

The undersigned, City Clerk of the City of Merriam, Kansas, does hereby certify that the above and foregoing is a true copy of Charter Ordinance No. 20 of the City of Merriam, Kansas, and of the statement of the manner of adoption thereof.

Dated this 13 day of October, 2004.


Stephanie K. Dawkins, City Clerk

CHORD20

Publication Fees: \$40.32

The Legal Record

213 E. Santa Fe, Suite 2
Olathe, KS 66061
(913) 780-5790

CITY OF MERRIAM
ATTN: STEPHANIE DAWKINS
9000 W 62ND TER
MERRIAM, KS 66202

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Billing Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any)

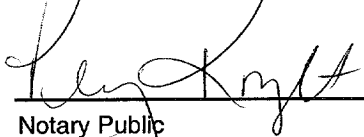
for 2 consecutive week(s), as follows:

CHARTER ORDINANCE NO. 20--8/3/04,
8/10/04


Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

AUGUST 11, 2004


Notary Public



My appointment expires: December 31, 2005.

\$40.32

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