

## Chapter 105

### GOVERNING BODY

**Section 105.010. Composition — Terms.** [CC 1985 §2-101; Revised, 1961; Ord. No. 1477 § 1, 10-3-2016<sup>1</sup>]

- A. The Governing Body of the City of Mulvane, Kansas, shall consist of a Mayor and five (5) Council Members duly elected as provided by law.
- B. The elected members of the Governing Body of the City of Mulvane, Kansas, shall serve a term of four (4) years commencing on the second Monday in January following certification of the election. The term of any elected member of the Governing Body of the City of Mulvane, Kansas, which would otherwise expire in April of any year, shall automatically extend to the second Monday in January of the following year.

**Section 105.015. Candidacy For City Offices.** [Ord. No. 1485 § 1, 1-16-2017]

Elections for City office shall be non-partisan. Any person desiring to become a candidate for an elected City office shall file such declaration of candidacy and pay any fee as required by Kansas law. If Kansas law requires a nomination petition, it must be signed by at least one (1) qualified elector of the City.

**Section 105.020. Meetings.** [CC 1985 §2-102; Ord. No. 114, 10-7-1949; Ord. No. 1037 §1, 2-18-1998]

Regular meetings of the Council shall be held in the City Building on the first (1st) and third (3rd) Mondays of each and every month at 7:30 P.M. When Monday falls on a legal holiday, the meeting shall be held the next Wednesday at the same hour. Special meetings may be called by the Mayor or Acting Mayor on written request of any three (3) members of the Council, said request specifying the object and purpose of such meeting. Said request shall be read at the meeting and entered at length on the journal.

**Section 105.030. Rules and Order of Business.** [CC 1985 §2-103; Amended Ord. No. 928, 9-4-1991]

- A. The following rules are hereby established for the Governing Body of this City:
  - 1. *Rule 1.* The Mayor shall preside at all meetings of the Council and shall have a deciding vote when the Council is equally divided and none other. In the absence of the Mayor, the President of the Council shall preside. In the absence of both, the Councilmembers shall elect one (1) of their number as temporary Chairperson who shall be styled "Acting President of the Council". The President and the Acting President when occupying the place of the Mayor shall have the same privileges as

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1. Editor's Note: Section 1 of Ord. No. 1477 also changed the title of this Section from "Composition" to "Composition -- Terms."

other members of the Council, including the right to vote on all issues. The President or Acting President shall not have a tie-breaking vote in addition to their regular vote while acting in the capacity of President or Acting President.

2. *Rule 2.* At all meetings of the Council, a majority of the Councilmembers elected shall constitute a quorum to do business but a minority may adjourn from day to day and may compel the attendance of absentees.
3. *Rule 3.* At the hour appointed for meeting, the members shall be called to order by the Mayor or in his/her absence, by the President of the Council or in the absence of both, by the Clerk. The Clerk shall call the roll, note the absentees and quorum, the Council shall proceed to business.
4. *Rule 4.* The Mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council.
5. *Rule 5.* Every person, previous to speaking, shall address the Chair and not proceed until having been recognized by the Chair. Remarks shall be confined to the matter under debate. No member shall speak more than five (5) minutes each time without permission.
6. *Rule 6.* A member called to order shall immediately suspend until the point of order raised is decided by the Chair.
7. *Rule 7.* All motions shall be read by the Chair or City Clerk prior to a vote being taken. If a motion shall be amended, permission from the member introducing the motion, and if seconded, permission from the second is required prior to the amendment.
8. *Rule 8.* All resolutions must be in writing.
9. *Rule 9.* When a subject is under debate, no motion on any other subject will be entertained by the Chair, except motions to adjourn, to table, to call a point of order, or a motion to act upon the item under discussion, which motions shall have precedence in the order which they are named, and all motions will be decided after seconding without further debate.
10. *Rule 10.* When a question is put by the Chair, every member present shall vote either "yea", "nay", or "abstain". All votes will be recorded by the City Clerk and reflected, by name, in the meeting minutes. Votes to "abstain" are neither "yea" nor "nay" votes and are not counted in the final tally.
11. *Rule 11.* After an ordinance shall be passed, an enrolled copy thereof shall be made by the Clerk and shall be signed by the Mayor or, in his/her absence, by the President of the Council and deposited with the Clerk who shall file and record the same and secure its publication as required by law.
12. *Rule 12.* Petitions and other papers addressed to the Council shall be read by the Clerk under the proper order of business upon presentation of the same to the Council.
13. *Rule 13.* These rules or any one of them except such as may be statutory provisions

may be temporarily suspended by consent of two-thirds ( $\frac{2}{3}$  of the Councilmembers elect.

14. *Rule 14.* In all points not covered by these rules, Council shall be governed in its procedure by previous tradition, and, as applicable, by Robert's Rules of Order.
15. *Rule 15.* At any regular meeting of the City Council, the agenda may be opened for the addition of items not appearing on the published agenda only with the unanimous consent of the Council and in that event only in the case of a bona fide emergency.

**Section 105.040. Board and Commission Members — Attendance Required at All Meetings.** [CC 1985 §2-105; Ord. No. 904, 10-2-1990]

- A. All persons serving on the appointive boards and commissions of the City of Mulvane who hold office by virtue of appointment by the Mayor and confirmation by a majority of the Governing Body of the City who hold office for a term of years are subject to this Section. Commissions and boards of the City affected hereby include but are not limited to the: Planning Commission; Variance Board; Tree Board; Board of Construction, Trades and Appeals; Library Board; and other adjudicative boards and/or commissions as well as bodies administering City funds.
- B. All members of the boards and commissions identified herein are hereby required to attend all meetings thereof; including special and regular meetings except when excused for the following reasons:
  1. When a member of the immediate family of a member is sick and unable to attend;
  2. When a member of the board or commission is sick and unable to attend;
  3. When a death has occurred in the immediate family of the member of the board or commission; or
  4. When there exists good cause which is approved by the Governing Body of the City upon the recommendation of the board or commission involved.
- C. It shall be the duty of the Chair of the board or commission to cause all absences of members to be noted of record in the minutes kept and the City Clerk shall inquire and report to the City Council all such absences and the reasons therefore of the commissions bodies and boards covered by this Section.
- D. Except for the excused absences set out above all such members of boards, commissions and bodies covered by this Section shall attend all such meetings and in the event any member is absent for three (3) regular consecutive meetings such Board member or Commissioner shall be deemed to have vacated office and the vacancy shall be filled by the Governing Body.