

RESOLUTION NO. 2024-4

A RESOLUTION FOR A SPECIAL ELECTION TO BE HELD AT THE DIRECTION OF THE COFFEY COUNTY AND SECRETARY OF STATES ELECTION OFFICES FOR THE VACATED CITY COUNCIL POSITION ON OCTOBER 2nd, 2023 PER K.S.A. 12-104a

WHEREAS, the City of Le Roy, has determined that the timeline to fill the vacant City Council position exceeded the allotted time per State Statute K.S.A. 12-104a for the Mayor to make the appointment to the vacant City Council position at the January 8th meeting 2024.

WHEREAS, the previous Council Member Rob McCann resigned during the Council meeting held October 2nd 2023 therefore making that duration at the time of the Mayors appointment to be 98 days. This resulted in exceeding the 60 days allowed per the State Statute. Governing State Statute for the vacant City Council position is K.S.A. 12-104a which states:

12-104a. Cities, consolidated cities and counties; procedure for filling prolonged vacancies. (a) The purpose of this section is to provide an orderly and prompt means of filling vacancies in the governing body of a municipality. Prolonged vacancies in the governing body of a municipality deprive citizens of their right to representation and act as impediments to the orderly function of government of municipalities.

(b) As used in this section, the following terms are defined as follows:

(1) "Governing body" shall include the mayor and members of the council, the mayor and commissioners or the chairperson and members of the board of supervisors, depending on the form of government of the city or the consolidated city and county.

(2) "Municipality" means any city or any consolidated city and county.

(c) Except as provided in subsection (d), the governing body of any municipality where a vacancy exists shall appoint, by a majority vote of the remaining members, a person to fill the vacancy within 60 days of the vacancy. If the appointment is not made within the 60-day time frame, the governing body shall pass a resolution calling for a special election to fill such vacancy to be held within 45 days of the passage of such resolution. Candidates for the vacant office shall file for such office as provided in K.S.A. 25-2110a, and amendments thereto. The special election shall be conducted by the county election officer. The candidate receiving the highest number of votes for the vacant position shall assume such office upon certification of the election results.

(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy.

WHEREAS, the Governing body for the City of Le Roy is bound by these State Statutes and will at the direction of the Coffey County and the Secretary Of States Elections Offices complete whatever process they deem is required to fill this vacant position by law up to and including a special election at the City of Le Roy's expense.

NOW THEREFORE BE IT RESOLVED, by the City Council of Le Roy Kansas, in a regular meeting duly assembled this 5th day of February 2024, that the City Council waives the requirements of K.S.A. 12-16,128 as they apply to the City of Le Roy for the year ended 2024 per K.S.A. 12-104a.

Passed by the council on the 5th day of February 2024. Approved by Mayor



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Steve Cox, Mayor (City Seal)

ATTEST: Kim Alexander

Kim Alexander, City Clerk