

**12-1038. Abandonment of one form of city of second class city-manager government and adoption of another basic form; petition; ballots; elections; terms of members.** Any city of the second class of the state of Kansas which shall have operated for four (4) years or more under the provisions of the council-manager form of government may adopt the provisions of the commission-manager form of government, or any city of the second class which shall have operated for four (4) years or more under the provisions of the commission-manager form of government may adopt the provisions of the council-manager form of government, and shall thereafter be governed by the provisions of law applicable to the cities of the basic form that is adopted, as hereinafter provided. A proposition to abandon the then type of city-manager form of government and adopt another type of city-manager form of government must first be submitted, in the manner provided by K.S.A. 12-184, to the vote of the qualified electors of such city. Any petition requesting submission of a proposition hereunder shall specify the manager form of government which the petitioners desire the city to adopt and if petitioners desire to elect five (5) commissioners to constitute the governing body of such city, the petition shall so state.

The form of ballots used at said election shall be as follows:

"Shall the city of \_\_\_\_\_ abandon the (commission-manager) (council-manager) form of government and adopt the (council-manager) (commission-manager) form of government and become a city operating under the general laws governing cities of like class?"

Yes  No

If any petition requests an election upon the question of abandoning the council-manager form of government and the adoption of the commission-manager form of government and the election of a governing body of five (5) commissioners, the form of ballots used at said election shall be as follows:

"Shall the city of \_\_\_\_\_ abandon the council-manager form of government and adopt the commission-manager form of government and elect five (5) commissioners to constitute the governing body of the city and become a city operating under the general laws governing cities of like class?"

Yes  No

If a majority of the votes cast upon said proposition at said election shall be in favor of changing the basic form of city-manager government, the said city shall become a city under the general law governing cities of like population and form operating under such manager type of government. The officers constituting the governing board of such city shall hold their offices and act as the governing body of the city until the next general city election, and at the next general city election the basic form of city governing body specified in the proposition submitted shall be elected as provided by laws relating to such basic city-manager form of government. In cities electing to adopt the commission-manager form of government and elect five (5) commissioners to constitute the governing body of the city, such commissioners shall at the next general city election and thereafter be elected as follows: At the next regular city election following the adoption of the changed form of government, two (2) commissioners shall be elected for terms of four (4) years and until their successors shall have been elected and qualified, and three (3) commissioners shall be elected for terms of two (2) years and until their successors have been elected and qualified.

At each regular city election thereafter, three (3) commissioners shall be elected. The two (2) commissioners receiving the greatest number of votes respectively shall serve terms of four (4) years and until their successors shall have been elected and qualified and the one commissioner receiving the least number of votes of the three (3) elected shall serve for a term of two (2) years, and until a successor shall have been elected and qualified.

**History:** L. 1949, ch. 181, § 1; L. 1959, ch. 74, § 1; L. 1976, ch. 76, § 11; July 1.