

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF BASEHOR, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-204, AS AMENDED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

Section 1. The City of Basehor, 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. 15-204, as amended, which enactment applies to this city but does not apply uniformly to all cities.

Section 2. The following is hereby substituted for the provisions of K.S.A. 15-204, as amended, and Basehor Municipal Code Section 1-301 and 1-303:

1-301 APPOINTMENT. The mayor, with the consent of the council, may appoint at the first regular meeting of the governing body in May of each year, the following city officers: A municipal judge of the municipal court, a clerk, a treasurer, a marshal-chief of police, law enforcement officers and such other officers as deemed necessary. The duties and pay of the various officers shall be regulated by ordinance.

REMOVAL. (A) The following are designated as the current full-time employees of the City of Basehor: City Clerk, Chief of Police, and any full-time police officer. No full-time employee as defined shall be discharged from employment except for good cause.

(B) As used in this section, "good cause" shall include, but is not limited to, the following reasons:

1. Material breach or failure to carry out all the terms and conditions of an Employment Contract.

2. Habitual drunkenness and/or habitual drug use.

3. Loss of any professional license necessary to carry out the essential functions of the job.

4. Theft, embezzlement, or willful destruction involving city property or funds.

5. Any other unprofessional conduct such as, but not limited to, the conviction of a felony, which makes the continued job performance impractical.

6. Death of the Employee.

7. If at any time insurance which the city routinely carries for that level of Employee cannot be economically maintained on the Employee.

8. Failure to carry out any lawful instructions of a supervisor or acting in a manner disloyal or in conflict with the interests of the City.

9. Willful acts or omissions that are materially inconsistent with duties as an employee of the City.

10. Absence from work for more than seven (7) days without approval of Employer, excluding absences for legitimate medical reasons or as provided by the Family Medical Leave Act.

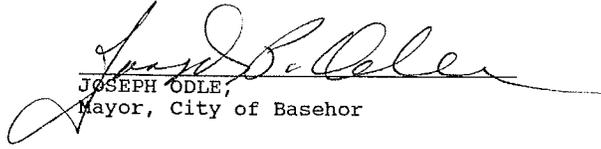
(C) Termination under this section shall be without prejudice to any rights and remedies which the City may have against the Employee.

(D) The Mayor, with consent of the Council, may suspend any officer or employee without pay for good cause for a cumulative period of up to thirty (30) days. No officer or employee shall be suspended without pay for more than thirty (30) days unless the governing body, after giving such person notice and the opportunity for a hearing, shall determine that good cause for suspension or termination exists.

Section 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 4. This Charter Ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, this 17th day of April, 1995.


JOSEPH ODLE,
Mayor, City of Basehor

ATTEST:


MARY ANN MOGLE,
City Clerk

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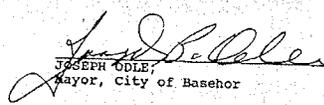
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