



Agenda Item Report

City Commission - Feb 14 2023

Department	Staff Contact
City Attorney's Office	Craig S. Owens, Randy Larkin, Toni R. Wheeler,

Recommendations

Consider adopting on first reading Ordinance No. 9667, which would amend Section 1-206 of the City Code, to establish 4-year terms for all persons elected to serve on the Governing Body. Consider adopting Resolution No. 7442, authorizing City Staff to submit to the County Clerk for placement on the ballot at the November 2024 general election a proposition to modify the City's form of government.

Executive Summary

On January 10, 2023, the Governing Body directed City staff to prepare an ordinance that would establish 4-year terms for all persons elected to serve on the Governing Body. If passed, Ordinance No. 9667, would amend Section 1-206 of the City Code to establish 4-year terms for all persons elected to serve on the Governing Body.

Also, on January 10, 2023, the Governing Body directed City staff to prepare a resolution that would submit to the general electors of the City, at the November 2024 general election, the proposition of whether to modify the City's form of government to transition from the Commission-Manager form of government to a Modified Mayor-Council Manager form of government, that would include:

- (1) a directly elected nonpartisan Mayor, who would serve a four-year term, and would only have the authority to vote to break a tie vote among the members of the Governing Body.
- (2) six nonpartisan Council Members -- four of whom would each represent one of four districts to be established within the City and two of whom would each represent the City at-large -- each serving four year terms, with staggered terms so that no more than three seats on the Governing Body would be up for election at any one time; and
- (3) the City Manager, who would continue to advise the Governing Body and oversee the day-to-day operations of the City.

If approved, Resolution No. 7442 would submit the question of modifying the City's form of government to a Modified Mayor-Council Manager form at the November 2024 general election.

Alignment to Strategic Plan

Prosperity and Economic Security

Fiscal Impact

There is no fiscal impact on the City.

Action Requested

Adopt on first reading Ordinance No. 9967 and adopt Resolution No. 7442.

Previous Agenda Reports:

[January 10, 2023 \(Regular Agenda Item\)](#)

[August 16, 2022 \(Regular Agenda\)](#)

[August 9, 2022 \(Regular Agenda\)](#)

[April 19, 2022 \(City Manager Report\)](#)

[August 17, 2021 \(City Manager Report\)](#)

[June 15, 2021 \(Regular Agenda\)](#)

[February 2, 2021 \(Mayor Appointments\)](#)

[January 12, 2021 \(Work Session\)](#)

[December 1, 2020 \(Commission Items\)](#)

Attachments

[Res7442\(3\)](#)

[Ord9967](#)

[Public Comment - Added 02/14/23](#)

RESOLUTION NO. 7442

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, AUTHORIZING AND PROVIDING FOR THE CALL OF A SPECIAL QUESTION ELECTION IN THE CITY OF LAWRENCE, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE PROPOSITION OF MODIFYING THE CITY'S FORM OF GOVERNMENT.

WHEREAS, the City of Lawrence, Kansas, has, since the qualified electors of the City approved it in 1951, operated under the Commission-Manager form of government;

WHEREAS, on February 2, 2021, the Governing Body adopted City of Lawrence, Kan., Res. No. 7353 (Feb. 2, 2021), appointing a task force to study and to make recommendations regarding the City's Commission-Manager form of government;

WHEREAS, on June 15, 2021, after having conducted eight public meetings, the task force reported to the Governing Body and recommended that the City make certain modifications to the City's Commission-Manager government;

WHEREAS, on August 9, 2022, August 16, 2022, and January 10, 2023, the Governing Body considered the excellent work and recommendations of the task force and, ultimately, on January 10, 2023, discussed transitioning from the Commission-Manager form of government to a Modified Mayor-Council Manager form of government, whereby: (1) the City's Governing Body would include a directly elected nonpartisan Mayor, representing the City at-large and serving a four-year term; (2) the City's Governing Body would also include six nonpartisan Commissioners -- four of whom would represent four districts established within the City and two of whom would represent the City at-large -- each serving four-year terms of office, with those terms of office being staggered so that no more than three seats on the Commission would be open for election at any one time; and (3) the City Manager would continue to oversee the day-to-day operations of the City and would continue to be accountable to the Governing Body;

WHEREAS, on February 14, 2023, in accordance with K.S.A. 12-1039, as amended, the Governing Body voted to call for a special question election for the purpose of submitting to the qualified electors of the City the proposition whether or not to modify the form of the City's government, transitioning from the Commission-Manager form of government to a Modified Mayor-Council Manager form of government; and

WHEREAS, if the special question is approved by the qualified electors of the City at the November 2024 general election, then the Governing Body will, at the general election of November 2025, begin transitioning from the Commission-Manager form of government to a Modified Mayor-Council Manager form of government.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: The recitals set forth above are incorporated herein by reference as if set forth fully herein.

SECTION 2. The Governing Body hereby authorizes, orders, and directs that a special question election be held and hereby calls, pursuant to K.S.A. 12-1039, as amended, for a special question election to be held, in the manner prescribed by law, in conjunction with the general election of November 2024, at which time there shall be submitted to the qualified electors of the City of Lawrence, Kansas, the following proposition:

Shall the following be adopted?

Shall the City of Lawrence, Kansas, abandon the Commission-Manager form of government and adopt a Modified Mayor-Council Manager form of government and become a city operating under a Modified Mayor-Council Manager form of government?

Yes

No

SECTION 3. If approved by a majority of the qualified electors voting thereon, then, commencing at the November, 2025, general election, the qualified electors of the City shall elect directly a nonpartisan Mayor, representing the City at-large, to a four-year term. If approved, the duties of the Mayor shall be established by ordinance and shall include, *inter alia*, presiding over meetings of the Governing Body, facilitating the Governing Body in visioning and strategic planning, providing an annual state of the City address, formally representing the City in ceremonial roles, representing the City in intergovernmental relations and interactions, and making, with the consultation and approval of the Governing Body, appointments to the City's advisory boards. The Mayor shall also have the power to vote, but **if and only if** the vote of the Council Members on an issue results in a tie. In the event of a tie vote of the Council Members, the Mayor shall have the power and the duty to vote to break the tie.

SECTION 4. If approved by a majority of the qualified electors voting thereon, then commencing at the November, 2025, general election, the Governing Body will consist of the nonpartisan Mayor and six nonpartisan Council Members. Four Council Members shall each represent one of four districts to be established within the City and two Council Members shall represent the City at-large. All Council Members shall serve four-year terms of office, with those terms of office being staggered so that no more than three seats on the City Council are open for election at any one time. The duties of Council Members shall be established by ordinance.

SECTION 5. If approved by a majority of the qualified electors voting thereon, then the transition to a Modified Mayor-Council Manager form of government shall occur as follows:

- (a) Following the November 2024 general election and prior to June 1, 2025, the Governing body shall enact ordinances establishing a Modified Mayor-Council Manager form of government, establishing four districts within the City, establishing the duties of the nonpartisan Mayor, establishing the duties of the nonpartisan Council Members, establishing terms of office for the Mayor and the Council Members, and establishing the duties of the City Manager.
- (b) At the time of the November 2025 general election, the three present City Commissioners, who were elected at the November, 2023, general election to four-year terms, shall continue to serve in their elected capacities as Council Members. The two Commissioners receiving the most votes at the November 2023 general election shall represent districts in which they reside and the Commissioner who received the fewest votes among the three Commissioners elected at the November 2023 general election shall represent the City at-large.

- (i) If the two Commissioners receiving the most votes at the November 2023 general election reside in the same district, then the Commissioner receiving the most votes shall represent that district, the Commissioner receiving the second most votes shall represent the City at-large, and the Commissioner receiving the third most votes shall represent the district in which that Commissioner resides.
- (ii) If all three Commissioners elected at the November 2023 general election reside in the same district, then the Commissioner receiving the most votes at the November 2023 general election shall represent the district and the remaining two Commissioners shall represent the City at-large.
- (c) At the November 2025 general election, the qualified electors of the City shall elect a nonpartisan Mayor who shall serve a four-year term as Mayor of the City of Lawrence, Kansas.
- (d) At the November 2025 general election, the qualified electors of the City shall elect three nonpartisan Council Members. The elections shall be for open seats not already filled by existing Council Members who were elected at the November 2023 general election.
- (e) The Mayor and all Council Members shall serve four year terms.
- (f) From thenceforward, members of the Governing Body, consisting of the Mayor and six Commissioners, will be elected to serve four-year terms in accordance with the foregoing pattern.

SECTION 6. If approved by a majority of the qualified electors voting thereon, then the City Manager shall continue to advise the Governing Body and to oversee the day-to-day operations of the City in accordance with the duties and obligations established at Chapter 1 of the City Code, as amended.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of _____, 2023.

APPROVED:

Courtney Shipley
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

ORDINANCE NO. 9967

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
AMENDING CHAPTER 1, ARTICLE 2, SECTION 1-206 OF THE
CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION,
AND AMENDMENTS THERETO, PERTAINING TO THE
GOVERNING BODY, AND REPEALING EXISTING SECTION
1-206.

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

SECTION 1. Chapter 1, Article 2, Section 1-206 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

1-206 **SAME; TERMS OF OFFICE; OATHS OF OFFICE**

(A) At each general election, held on the Tuesday succeeding the first Monday in November in odd-numbered years, the qualified electors of the City shall elect either two or three Commissioners to the Governing Body. The two candidates who receive the most votes shall each serve a term of office of four years, which term of office shall commence upon taking the oath of office, on or after the first Tuesday in December immediately following the general election and certification of the election, and shall expire on the first Tuesday in December and following the certification of the election four years thereafter. The candidate receiving the third most votes shall serve a term of office of two years, which term shall commence upon the taking the oath of office, or after the first Tuesday in December immediately following the general election and certification of the election, and shall expire on the first Tuesday in December and following the certification of the election two years thereafter. Accordingly every two years, three office of Commissioner shall be open for election. Alternating every two years, the qualified electors of the City shall elect three Commissioners to the Governing Body, then, two Commissioners to the Governing Body, and continuing in that pattern in subsequent election cycles. In years when three seats on the Governing Body are open for election, the three candidates receiving the most votes at the general election shall be elected to the Governing Body. In years when two seats on the Governing Body are open for election, the two candidates receiving the most votes at the general election shall be elected to the Governing Body.

(i) ~~Those Commissioners, whose terms of office would have expired January 13, 2020, shall have their terms of office expire Tuesday, December 3, 2019.~~

(1) Commencing at the general election in 2023, the qualified electors of the City shall elect three Commissioners to the Governing Body. At the general election in 2025, the qualified electors shall elect two Commissioners to the Governing Body. As noted above, alternating every two years, that pattern of electing three

Commissioners and then electing two Commissioners will continue in subsequent election cycles.

(B) All Commissioners elected to the Governing Body shall serve a term of office of four years, commencing upon taking the oath of office on or after the first Tuesday in December, immediately following the general election and the certification of the election, and expiring on or after the first Tuesday in December, immediately following the general election and the certification of the election four years thereafter.

(B)(C) Before commencing any term of office or assuming any term of office on the Governing Body, each Commissioner shall first take the oath of office. The oath of office shall be administered by the City Clerk, the designee of the City Clerk, or by anyone fulfilling the duties of the City Clerk.

SECTION 2. Existing Section 1-206 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede it.

SECTION 3. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining part of this ordinance.

SECTION 4. This ordinance shall take effect and be in force after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of _____, 2023.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

Sandra Fangohr

From: chris flowers <wpcorner@gmail.com>
Sent: Tuesday, February 14, 2023 11:50 AM
To: City Commission Agendas
Subject: government changes

External Email. Be careful with links and attachments.

- City of Lawrence IT Helpdesk

Hello, this is Chris Flowers writing in to talk about proposed changes to our local government. I am ok with letting voters decide on changing to a district system, but I am completely against also changing our current system so that every commissioner gets 4 years instead of 3 commissioners being elected each election with 3rd place getting 2 years. The reason I like our current system is because it enables the public to vote in a new majority each election. If you change it, then the public will only get to vote for a majority every 4 years. I'm not sure, but I'm guessing the reason we do things the current way is so that the public gets to vote for 3 out of 5 commissioners each election so if the commission is pissing the public off they can vote in a new majority. Having a majority up for re-election each election may be what I like best about our current system.

So I ask this, how does changing things to every commissioner gets 4 years make things better for the public? This sounds more like a change that benefits the 3rd place finisher than a change that benefits the public. What is the argument for the 3rd place finisher getting 4 years? I don't remember exactly, but I want to say that the argument for the change might be something along the lines of that a commissioner is still learning the ropes their first year. If that's the argument, I'd like to point out that not all first time commissioners are the same in terms of picking things up. A commissioner who I think picked things up quickly is Commissioner Shipley. If I remember correctly, her very first meeting she brought up sidewalks during commission items. She has been fighting for sidewalks since day one. Compare that to our newest commissioners. How long was it before either one of them brought something up during commission items? Commissioner Sellers talks about needing more time than 2 years to get things done, but to be honest, she's squandered her first year! If she has a pressing issue she wants to address, then why hasn't she brought it up during commission items this whole time? The difference between Commissioner Sellers and Commissioner Shipley is that Shipley was coming to meetings for years before she was elected. How many meetings did Commissioner Sellers attend before she was elected? While I get there is a learning curve that goes along with any job, familiarity with what you're getting yourself into before you get yourself into it also helps. If the argument is that 2 years isn't enough time cuz of the learning curve, then maybe city staff isn't doing enough to support new commissioners to give them the knowledge of how things work?

I'd like to go back to Commissioner Shipley. She's been fighting for sidewalks since the first day she became a commissioner. I think she's made more progress the past year or two with this commission than she did her first year with the former commission. Why is that? Is it because she's gotten better as a commissioner from her first year, or is it because commissioners who were willing to go along with her were elected in 2021? What if in 2019 the city changed it so every commissioner got 4 years. Then Stuart Boley would still be on the commission instead of Amber Sellers. Would things still look the same for sidewalks? Commissioner Sellers seems to be more receptive to Shipley's sidewalk fight than Boley was. I bring this up because if you're someone who thinks the city should pay for sidewalks, you're probably better off with this commission than the previous one which included Boley. If Boley had received 4 years in 2019 instead of 2, things might be different. I like how things currently are, and if any changes are made, I'd rather it be trying to educate new commissioners so they're more effective their first year than removing the public's ability to elect a new majority each election.

Thank you for your time,
Chris Flowers