

# Home Rule Charter

## What is the Charter?

The Johnson County Charter Commission was formed in 1999 under Kansas Statutes Annotated (KSA) 19-2684, as amended. The Commission was convened on May 13, 1999 to study the structure of Johnson County Government and to make recommendations for improvements. In May 2000, the **Charter Commission** submitted its report and proposed Home Rule Charter for Johnson County with two alternative sections. On November 7, 2000, the voters of Johnson County approved and adopted the new charter along with the two alternative provisions.

Article I - **Powers of the County**

Article II - **Board of County Commissioners**

Article III - **Method of Election of the County Commissioners**

Article IV - **County Manager**

Article V - **Administrative Departments and Organizations**

Article VI - **General Provisions**

Article VII - **Transition Provisions**

ADOPTED BY THE VOTERS OF JOHNSON COUNTY, KANSAS NOVEMBER 7, 2000

## Preamble

We, the people of Johnson County, Kansas, in order to avail ourselves of the benefits and responsibilities of home rule powers, to create a County Government to serve our present and future needs, and to permit the people of this County to make changes in our own government, do, under God, adopt this Home Rule Charter and any Alternative Sections or Articles as determined by the electorate.

## ARTICLE I. Powers of the County

**Section 1.01. POWERS OF THE COUNTY.** Johnson County is a body corporate and politic, and as such, shall have all powers possible for a county to have under the Constitution and laws of the state of Kansas as fully and completely as though they were specifically enumerated in this Charter, and all other powers as provided for in this Charter. Such powers shall include all rights and powers of local self-government not inconsistent with the Constitution and laws of the state of Kansas.

**Section 1.02. EXERCISE OF POWERS.** All powers of the County shall be executed as provided by this Charter, or if the Charter makes no provision, as provided by statute or otherwise as provided by resolution of the Board of County Commissioners, hereinafter referred to as the "Commission."

**Section 1.03. CONSTRUCTION.** The powers of the County under this Charter shall be construed liberally in favor of the County, and the specific mention of particular powers shall not be construed as limiting in any way the general powers stated in this Article.

## **ARTICLE II. Board of County Commissioners**

**Section 2.01. COMPOSITION.** The Commission shall be a governing body of " citizen legislators " composed of seven members. Six of the districts shall each have one Commissioner elected from its respective district. The seventh Commissioner shall be elected at-large and shall serve as the Commission's Chair.

**Section 2.02. TERMS OF OFFICE.** The Commissioners currently holding office shall remain in their current staggered terms for election to four-year terms in November 2002 and 2004 respectively. The Sixth District Commissioner shall be elected to a two-year term in November 2002 and a four-year term in November 2004. The Seventh District Commissioner shall be elected to a four-year term in November 2002 and shall serve as Chair of the Commission immediately upon taking office. Beginning in November 2004, three Commissioners shall be elected to four-year terms, and in November 2006, four Commissioners shall be elected to four-year terms.

**Section 2.03. QUALIFICATIONS.** Members of the Commission shall be qualified electors of the County. Members shall reside in the district from which they are elected. Any Commissioner who changes residence from the district from which elected shall be disqualified to represent that district, and the office shall be vacant. The Commission shall be judge of the qualifications of its members.

**Section 2.04. COMMISSION DISTRICTS.** There shall be seven County Commission districts. Six of the districts shall be as compact and equal in population as possible. The seventh district shall be the County at-large and shall include the County population as a whole. The districts shall be subject to alteration by resolution of the Commission at least once every three years.

**Section 2.05. COMPENSATION.** The Commission shall continue to determine the salary and benefits of its members by resolution. The Chair shall receive additional compensation no less than 25 percent of the base compensation of Commissioners.

**Section 2.06. DUTIES OF THE CHAIR.** The Chair shall:

- Be considered a member of the Commission and vote as provided by law;
- Have all rights and privileges of any other Commission member, except as provided by law or by the Charter;
- Provide leadership in the communication and interpretation of policy to the public;
- Lead the Commission in developing its long-range plans and policies, establishing annual priorities, and planning for economic growth and stability of Johnson County government;
- Officiate and preside at all meetings and events;
- Call special meetings of the Commission as deemed necessary and in such manner as required by law;
- Attend, or designate a representative of the Commission to attend, all meetings, conferences, and negotiations relating to policy matters involving other units of government and legislative bodies;
- Receive reports of the County Manager;

- Prepare, at least annually, a written message to the Commission and the citizens detailing such information concerning the economic, physical, and social conditions and needs of Johnson County government; and
- Sign, if authorized by the Commission, all contracts and other documents of Johnson County government.

The Chair shall have, in addition, all other powers granted by the Charter, the Commission, and applicable state law.

**Section 2.07. PROHIBITIONS.** No Commission member shall directly interfere with the conduct of any agency or any department, or any part thereof, including the appointment or removal of employees, except at the express direction of the Commission or as otherwise provided by this Charter. No former Commission member shall hold any compensated appointive office or County employment until one year after leaving office.

**Section 2.08. INITIAL COMMISSIONER DISTRICTS.** Prior to April 1, 2002, the Commission, under its current procedures, as prescribed by law, shall re-district in a manner to create the Sixth District. The Seventh District will not require any reapportionment of population and revision of district boundaries since the Seventh District Commissioner represents the County as a whole.

**Section 2.09. MEETINGS OF THE COMMISSION.** Meetings of the Commission shall be conducted as provided by law. The Commission shall hold its meetings at such times and places as will allow the general public the opportunity to attend and participate in such meetings.

### **ARTICLE III. Method of Election of County Commissioners**

**Section 3.01. COMMISSIONERS TO BE ELECTED ON A NON-PARTISAN BASIS.** Elections of the members of the Commission and, if authorized, any elected Chair of the Commission shall be non-partisan. Elections for members of the Commission and, if authorized, any elected Chair of the Commission, shall be conducted in the manner provided by law for elections of State and County officials to the extent not in conflict with this Charter.

**Section 3.02. QUALIFICATIONS OF THE COMMISSIONERS.** The laws pertaining to the qualifications of the members and Chair of the Commission shall apply to the extent such laws are not in conflict with this Charter.

**Section 3.03. VACANCIES.** Should a vacancy occur on the Commission, the Board of County Commissioners shall, within ninety (90) days of the occurrence of such vacancy, appoint a replacement to serve until the end of the term to which he or she is appointed or until the next regular county election, whichever is sooner. If a regular county election is held prior to the end of the unexpired term, then an election shall be held for an individual to fill the remaining portion of said unexpired term.

### **Section 3.04. PRIMARY ELECTIONS.**

- If there are more than two (2) qualified candidates for one (1) commissioner position in any commissioner district, including any authorized at-large district, the county election officer shall call, and there shall be held, a primary election in each such commissioner district. The names of the two (2) candidates receiving the greatest number of votes for any commissioner or chair position at the primary election shall appear on the ballots in the general election.
- If a commissioner is to be elected to fill an unexpired term, the rules in this section shall be modified consistent with the provisions of this subsection. If there are more than two (2) candidates for such unexpired term, the county election officer shall call and there shall be held, a primary election. The names of the two (2) candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election for such position.
- No ballot in a primary county election shall have either names or write-in blanks for any commissioner position unless more than two (2) candidates have filed for such position.
- If a primary is required under this Section, it shall be held on the first Tuesday of August in even-numbered years for the nomination of all candidates to be voted for at the next following general election.

## **ARTICLE IV. County Manager**

**Section 4.01. APPOINTMENT.** The Commission shall appoint, based on education and experience in public administration, a professional County Manager who shall be the chief administrative officer of the County. The County Manager shall be appointed by December 31, 2001. The County Manager shall maintain residency within Johnson County and shall not engage in any other business or occupation while serving as County Manager. The Commission shall establish the salary of the County Manager.

**Section 4.02. ABSENCE OF COUNTY MANAGER.** The Commission may designate a qualified administrative officer of the County to assume the duties and authority of the County Manager during periods of absence and disability.

**Section 4.03. POWERS AND DUTIES.** The County Manager shall be the chief administrative officer of Johnson County government and shall be responsible to the Commission for administration of all Johnson County government affairs. The County Manager shall:

- Be directly responsible for the daily administrative functions of Johnson County government;
- Organize the administration, direct and supervise the organizational structure of all offices, the appointive officers and employees of Johnson County government, except as otherwise provided by law or as provided in this Charter;
- Have the responsibility to execute the policies of the Commission through the functional divisions and departments of administration;

- After appropriate consultation with the Commission, prepare and submit a recommended annual budget, including all revenue sources, to the Commission for final adoption, and administer the budget after its effective date;
- Report to, confer with, assist and advise the Chair and make recommendations to the Commission on all matters concerning the welfare of Johnson County government;
- Ensure that all ordinances, resolutions, codes, regulations, rules, policies, directions and actions of the Commission are faithfully enforced, administered, and executed;
- Attend, or provide appropriate staff to attend, and participate as necessary and advisable in all official Commission meetings, including regular, special, and executive session meetings and other official proceedings for the conduct of County business, except any meeting in which the continued employment of the County Manager is the business under consideration;
- Assist the Chair and the Commission in the preparation of meeting agendas, resolutions, rules, regulations, policies, and all such other matters as may be requested by the Commission;
- Submit to the Commission and make available to the public periodic annual reports of the financial administrative affairs of Johnson County government and keep the Commission advised of the financial conditions and needs of Johnson County government; and
- Prepare and submit to the Commission, annually before May 1st, recommendations for a capital improvement and financing program for Johnson County.

The County Manager shall, in addition to the powers and duties listed above, assume all powers and duties conferred upon the County Administrator. The County Manager shall also have the powers and duties otherwise conferred upon the position by law, this Charter, actions of the Commission, or those inherent in the administration of Johnson County government.

## **ARTICLE V. Administrative Departments and Organizations**

**Section 5.01. GENERAL PROVISIONS.** The activities of the County shall be distributed among such departments and divisions thereof as are established or as may be established by reorganization of the County administration or as provided in this Article. Each department and division thereof shall have those duties and responsibilities provided by the Commission or the County Manager.

### **Section 5.02. DEPARTMENT DIRECTORS.**

- The director of each department shall be the principal officer of the department and shall be responsible for its operations. The County Manager shall appoint, suspend, or dismiss all non-elected department directors and division heads, except as provided by law or this Charter. The County Manager may authorize any appointive County administrative officer to appoint suspend or remove subordinates in that officer's department or division. All appointment and dismissal authority of the County Manager and his or her subordinates shall be subject to provisions of law and personnel rules adopted by the Commission.
- The positions of Chief Counsel and Internal Auditor shall remain under the authority, direction and supervision of the Commission.

**Section 5.03. REORGANIZATION OF COUNTY GOVERNMENT ADMINISTRATION.**

The Commission may by resolution alter the administrative organization of County government including the creation, abolishment, or merger of departments and the transfer of responsibilities among departments. The County Manager may recommend to the Commission, in writing, changes in the administrative organization of the County, and the Commission shall act upon such recommendations within 90 days following its presentation. Such action shall be in the form of a resolution approving, disapproving, or approving in amended form the recommended administrative changes. Prior to action on a resolution that creates, abolishes, or merges departments, or causes the transfer of responsibilities among departments, the Commission shall provide proper notice, including publication in the official County newspaper(s) and a public hearing. Where required by law, any change in the administrative organization of the county shall be subject to a vote of the electorate of the County.

**Section 5.04. GOVERNING BOARDS.** The members of the governing boards of the Johnson County Library System, the Johnson County Parks and Recreation District, the Johnson County Mental Health Center, Johnson County Developmental Supports and the Johnson County Airport Commission shall be appointed by the Commission for definite terms. Each board shall be obligated and given authority to make and determine all policy matters in fulfilling its mission statement. Each board shall be responsible for selecting its Executive Director from a candidate pool that meets qualifications and experience levels as from time to time are determined by County personnel guidelines.

The policy decisions once made by each board shall be administered by its Executive Director and in accordance with the general administration policies of Johnson County government in matters relating to personnel, legislation, insurance/risk management, purchasing, budgeting and budget making, accounting, auditing and finance. The respective policies shall be carried out in cooperation with the County Manager. Compliance by all governing boards shall be in effect by December 31, 2001.

**Section 5.05. ELECTED COUNTY OFFICIALS.** Provisions for the following elected County officials shall be as follows:

- **County Clerk:** The position of County Clerk shall be appointed, not elected, and the functions and operations of the office of County Clerk shall be performed under the administrative authority of the County Manager. The statutory duties of the County Clerk shall be performed by or, as necessary, consolidated under the authority of and as delegated and assigned by the County Manager. Compliance with this provision shall occur when the County Clerk elected in November 2000 leaves office.
- **Register of Deeds:** The position of the Register of Deeds shall be appointed, not elected, and the functions and operations of the office of the Register of Deeds shall be performed under the administrative authority of the County Manager. The statutory duties of the Register of Deeds shall be performed by the County Clerk, or, as necessary, consolidated under the authority of and as delegated and assigned by the County Manager. Compliance with this provision shall occur when the Register of Deeds elected in November 2000 leaves office.

- County Treasurer: The position of the County Treasurer shall be appointed, not elected, and the functions and operations of the office of the County Treasurer shall be performed under the administrative authority of the County Manager. The statutory duties of the County Treasurer shall be performed by or, as necessary, consolidated under the authority of and as delegated and assigned by the County Manager. Compliance with this provision shall occur when the County Treasurer elected in November 2000 leaves office.
- County Sheriff: The County Sheriff shall continue to be an elected position, subject to changes or amendments as provided or allowed by law.
- District Attorney: The District Attorney shall continue to be an elected position.
- The offices of the elected County Sheriff and District Attorney shall comply with the administrative policies adopted by the Commission to the extent not inconsistent with law.

## **ARTICLE VI. General Provisions**

### **Section 6.01. CHARTER AMENDMENT.**

- The Commission, upon a four-fifths (4/5) vote of its full membership, may, unless otherwise prohibited by law, propose amendments to this Charter subject to a referendum of the electors of Johnson County. Such referendum shall be held at the next regularly scheduled election at which all qualified electors of the County are eligible to vote and which follows by at least 60 days passage of the amendment resolution.
- The Charter Commission referenced in Section 6.03 of this Article may propose amendments to the Charter and such amendments will be acted upon pursuant to Section 6.04 of this Charter.

**Section 6.02. EFFECT OF THE CHARTER.** This Charter shall be liberally construed in aid of its declared purpose. If any article, section, subsection, sentence, clause or provision of this Charter or the application thereof shall be held invalid for any reason, the remainder of the Charter and of any resolutions or regulations made thereunder shall remain in full force and effect.

**Section 6.03. CHARTER REVIEW COMMISSION.** A seven member standing Johnson County Charter Review Commission shall be appointed by the Board of County Commissioners from the 1999 Charter Commission and shall meet at least annually for five years after the effective date of the Charter.

### **Section 6.04. FUTURE CHARTER COMMISSION.**

- A Charter Commission, composed and appointed as provided by statute, shall be created within thirty 30 days of a date which follows by 10 years the effective date of this Charter, and at least once every 10 years thereafter.
- Each Charter Commission shall meet in an organization meeting within 30 days following appointment of its members. Each such Charter Commission shall determine and elect its own officers. All members shall serve without compensation except for necessary expenses authorized by the Board of County Commissioners. Each Charter Commission shall meet as frequently as its membership deems necessary. Minutes of each meeting shall be

reported in an official journal of the Charter Commission. At least one meeting of each Charter Commission shall be a public hearing.

- Each Charter Commission is empowered to conduct comprehensive studies of any or all phases of County government operations, including a review of the existing County Charter and major resolutions of the Commission as they affect the operation of Johnson County government. On or before a date, which follows by one year the organization meeting of each Charter Commission, a report of the Charter Commission's findings shall be presented to the Board of County Commissioners. Such report shall include recommendations of the Charter Commission and such other information deemed important. Recommendations of the Charter Commission may include suggested changes in the administration of the County government, programs, and activities. It may also include proposed amendments to the Charter. All recommendations of a Charter Commission shall be adopted by a majority vote of its membership. Each Charter Commission shall terminate on the date that follows by 30 days the submission of its report.
- The Board of County Commissioners shall consider all suggested changes, as allowed by law, of the Charter Commission. It shall submit all proposed Charter amendments to the electorate. Such election shall be held at the next regularly scheduled election at which all qualified electors of the County are eligible to vote and which follows by at least 60 days the submission of the Charter Commission report.

## **ARTICLE VII. Transition Provisions**

**Section 7.01. CHARTER REFERENDUM.** In accordance with law, a referendum on adoption of this Charter shall be held at the November 2000 general election. The majority of those electors voting on the issue shall be necessary for adoption of the Charter.

**Section 7.02 QUESTIONS TO BE SUBMITTED TO THE ELECTORATE.** The questions to be decided by the electorate of Johnson County are, subject to appropriate phrasing by the Board of County Commissioners and the Election Commissioner, as follows:

- Shall the proposed Charter for Johnson County, Kansas, as submitted on May 13, 2000 by the Johnson County Charter Commission to the Commission of Johnson County, Kansas, be adopted?
- If the proposed Charter for Johnson County, Kansas, is adopted, shall Alternative Article II to the Charter, increasing the membership of the Johnson County Board of Commissioners to seven members, to include one additional district Commissioner and one Commissioner elected at-large who shall serve as Chair of the Commission, be adopted?
- If the proposed Charter for Johnson County, Kansas, is adopted, shall Alternative Article III to the Charter, providing for the non-partisan election of Commissioners, be adopted?

**Section 7.03. EFFECTIVE DATE.** The Charter shall become effective the second Thursday of January, 2001, and all powers and duties provided in the Charter shall become effective.

**Section 7.04. INITIAL COUNTY MANAGER.** The Commission shall initiate the necessary procedures to employ a County Manager, as provided in Article III of this Charter. Pending the selection of the County Manager, the Commission may appoint an acting Manager.

**Section 7.05. OFFICES AND OFFICERS PRIOR TO THIS CHARTER.** Unless otherwise provided by this Charter, all offices, officials, governing boards, commissions, agencies, and advisory boards of Johnson County government shall continue to exist on the effective date of this Charter and all powers, duties, and functions thereof shall continue pursuant to their current status and operations.

**Section 7.06. EMPLOYEES' CONTINUATION.** On the effective date of this Charter all employees of Johnson County government prior to this Charter shall continue without change in benefits or compensation from that in effect prior to the Charter's effective date.

**Section 7.07. CONTINUATION FOR EXISTING REGULATIONS, CONTRACTS, LEVIES, OBLIGATIONS, AND OTHER OFFICIAL CONDUCT.** All proceedings, actions, regulations, resolutions, contracts, levies, obligations, and other official conduct of the County government in process preceding adoption of this Charter shall be and remain effective unless or until repealed or modified by official action of the Board of County Commissioners or unless such items are contrary to the provisions of this Charter.