



STATE OF KANSAS

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March 31, 1981

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ATTORNEY GENERAL OPINION NO. 81- 76

Mr. Hayes L. Martin
President
La Cygne City Council
P. O. Box 600
La Cygne, Kansas 66040

Re: Cities of the Third Class -- Election, Appointment
and Removal of Officers -- Terms of Office Pre-
scribed by Charter Ordinance

Synopsis: Pursuant to Section 2 of the City of La Cygne's
Charter Ordinance No. 1056, at the regular city
election held in April, 1979, and at each such
election held every four years thereafter, a mayor
is to be elected to serve a four-year term of
office.

* * *

Dear Mr. Martin:

You request our opinion regarding the City of La Cygne's
Charter Ordinance No. 1056. Specifically, you inquire whether
the term of office prescribed for mayor under the ordinance
is for two or four years.

From an examination of the charter ordinance, and in parti-
cular Section 2 thereof, which provides for the election and
terms of office of city councilmen and the mayor, it is our
opinion that the term of office for an individual elected
mayor, subsequent to the initial election provided under the
ordinance, is four years.

Section 2 of La Cygne's Charter Ordinance No. 1056 states in
pertinent part:

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"A regular city election shall be held on the first Tuesday in April of each odd numbered year. At the regular city election in 1977, there shall be elected a mayor and five councilmen. At said election the candidates for councilmen receiving the three (3) highest number of votes shall be declared elected for a term of four (4) years. The candidates for councilmen receiving the next two (2) highest number of votes shall be declared elected for a term of two years. The candidate elected mayor shall be declared elected for a term of two (2) years. Succeeding elections for all such offices shall be for four (4) year terms."
(Emphasis added.)

In accordance with the above-emphasized language, the individual elected mayor in the initial election under the ordinance in April of 1977, held office for a term of two years. However, the ordinance additionally provides that "[s]ucceeding elections for all such offices shall be for four (4) year terms." (Emphasis added.) In the absence of any restriction on the phrase "all such offices," that phrase must be interpreted as referring to all offices previously established and provided for in the ordinance, which includes the mayor, as well as the councilmen. Thus, under the charter ordinance, all such officers, including the mayor, who were elected at the election in 1979 were elected to four-year terms of office. Therefore, in accordance with the foregoing analysis, it is our opinion that the person presently serving as mayor holds such office until the general city election in April, 1983.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



W. Robert Alderson
First Deputy Attorney General

RTS:WRA:hle