(Published in the Topeka Metro News June 4, 2003 and June 11, 2003).

CHARTER ORDINANCE NO. 89

A CHARTER ORDINANCE introduced by Mayor Felker amending Charter Ordinance No. 68, as codified in City of Topeka Code § A12-1 of the City of Topeka which exempted the City from the provisions of K.S.A. 13-1024a and provided substitute and additional provisions on the same subject in accordance with the provisions of Article 12, Section 5 of the Constitution of the State of Kansas.

WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution, hereinafter referred to as the "Constitution," cities of the State of Kansas, hereinafter referred to as the "State," may by charter ordinance elect, in the manner prescribed in the Constitution, that the whole or any part of any enactment of the State legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities; other enactments applicable uniformly to all cities; and enactments prescribing limits of indebtedness, shall not apply to such city; and

WHEREAS, pursuant to the Constitution, no charter ordinance shall take effect until sixty (60) days after its final publication; provided, however, if within sixty (60) days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors, such charter ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon; and

WHEREAS, K.S.A. 13-1024a, hereinafter referred to as the "Act," is an enactment of the State legislature which is applicable to the City of Topeka, Kansas, hereinafter referred to as the "City," but not uniformly applicable to all cities of the same class; and
WHEREAS, the Act is not an enactment of the legislature of statewide concern applicable uniformly to all cities; to other enactments of the legislature applicable uniformly to all cities; to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge, or other exaction; or to enactments of the legislature prescribing limits of indebtedness; and

WHEREAS, the governing body of the City has, in accordance with the Constitution, passed and approved its Charter Ordinance No. 68, as codified in Topeka City Code § A12-1, February 11, 1986, and published, recorded, and filed the same with the Secretary of the State, hereinafter referred to as "Charter Ordinance No. 68" and, as such, exempted itself from the Act and provided certain substitute and additional provisions to the Act; and

WHEREAS, the City now wishes to amend Charter Ordinance No. 68 which, in accordance with the provisions of the Constitution, may be accomplished only upon either the adoption of a charter ordinance of the City or by an enactment of the state legislature applicable to all cities of the State.

NOW THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, THAT:

Section 1. Pursuant to Article 12, Section 5 of the Kansas Constitution, the City of Topeka, Kansas, Charter Ordinance No. 68, as codified in Topeka City Code § A12-1, is hereby amended to read as follows:

General improvements and land therefore.

For the purpose of paying for any bridge, viaduct, street, trafficway, sidewalk public building, offstreet parking facility, including the land necessary therefore, for land for public parks and recreation facilities (including golf courses) and developing the same, within or without the city, for the purpose of acquiring, improving or extending an electric or electronic traffic control system, or for the improvement, repair or extension of
any airport, waterworks system, sanitary and/or stormwater sewage disposal plant system, electric light plant, antenna and tower system, storm sewers and drainage improvements or other public utility plant owned by the city; and for the purpose of rebuilding, adding to or extending the same from time to time, as the necessities of the city may require; and for the acquisition of equipment for the construction, installation, maintenance, and repair of such improvements, the city may borrow money and issue its general obligation bonds for the same purpose of paying the costs of any of the equipment or improvements mentioned in this section and the land necessary therefore.

Provided, that no bond shall be issued for such purposes unless the same were authorized by an ordinance which sets forth:

(a) The general nature of the proposed improvement;
(b) The estimated or probable cost;
(c) The extent of the proposed improvement district, if any, to be assessed;
(d) The proposed method of assessment; and
(e) The proposed apportionment of costs, if any, between the improvement district and the city at large.

Provided further, that if, within 30 days after publication of the ordinance authorizing said bonds, a petition in opposition to the same, signed by not less than five percent of the electorate residing within the city, is filed with the city clerk, then said ordinance shall be of no force and effect unless the question of issuance of the bonds is approved by a majority of those voting at an election called for such purpose or at the next general election.

Section 2. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the
Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

Section 4. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State of the State of Kansas.

Section 5. That Charter Ordinance No. 68, as codified in Topeka City Code § A12-1 is hereby specifically repealed.

PASSED AND APPROVED by the Council of the City of Topeka May 27, 2003

CITY OF TOPEKA, KANSAS

ATTEST:

Harry Felker, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 5/7/03 BY BPC TO BE CODIFIED X NOT TO BE CODIFIED
STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 89 was passed on the 27th day of May, 2003, as shown by the minutes, Book 2003 Page 202, by a vote of 9 for and 0 against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 4th day of June, 2003, and on the 11th day of June, 2003, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the 11th day of August, 2003.

Iris E. Walker, City Clerk

CERTIFICATE

CITY OF TOPEKA )
COUNTY OF SHAWNEE ) ss:
STATE OF KANSAS )

I, Iris E. Walker, City Clerk of the City of Topeka, County of Shawnee, State of Kansas, do hereby certify that the above and foregoing, consisting of five (5) typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. ______ of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the _____ day of ________________, 2003.

Iris E. Walker, City Clerk