CHARTER ORDINANCE NO. 96

A CHARTER ORDINANCE introduced by Councilmember Brett Blackburn relating to the City of Topeka's governing body, amending Topeka City Code §§ A2-21, A2-24, A2-25 and A2-29, and specifically repealing said original sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § A2-21, Composition and eligibility is hereby amended to read as follows:

Composition and eligibility.

(a) Composition. The governing body shall be a ten (10) member body consisting of nine (9) district Councilmembers and one (1) Mayor. The nine (9) district Councilmembers shall be nominated and elected from nine (9) districts of near equal population on a nonpartisan basis. Each council district shall be represented by one (1) district Councilmember. The Mayor shall be nominated and elected at large on a nonpartisan basis.

(b) Residency requirements. The Mayor and each district Councilmember shall be a citizen of the United States, shall be at least eighteen (18) years of age and a qualified elector of Topeka, Kansas, and must reside in the city at the time of filing for election and thereafter for the duration of their terms. District Councilmembers shall be residents of their respective districts at the time of filing for election and thereafter for the duration of their terms. This residency requirement is not violated if a district
Councilmember no longer resides in his or her elected district as a result of redistricting. Candidates for Mayor or Councilmember shall disclose any felony conviction at the time of filing for office.

(c) Eligibility. Any person desiring to become a candidate for Mayor or Councilmember shall file with the City Clerk, or such appointive officer as the Council may designate, before the filing deadline a statement of such candidacy on a form furnished by the City Clerk or by such appointive officer as the Council may designate. The City Clerk or other appointive officer receiving any filing under this section shall record the same and transmit it, together with the filing fee or petition herein provided, forthwith to the Shawnee County Election Commission. The fact that a Councilmember may be determined to have lacked any or all qualifications for the office of Councilmember during all or any portion of his or her term of office shall not affect the validity of any action taken by the Council during such Councilmember's term of office. Each filing for Mayor shall be accompanied by a filing fee of one hundred dollars ($100.00); or, in lieu of such filing fee, by a petition signed by one hundred (100) qualified electors of the city or one (1) percent of the cast votes in the last city general election, whichever is less. Each filing for district Councilmember shall be accompanied by a filing fee of fifty dollars ($50.00); or, in lieu of such filing fee, by a petition signed by fifty (50) qualified electors of the council district.

(d) This section A2-21 of the charter ordinances of the City of Topeka shall only be amended or repealed upon approval by a majority of the electors voting during

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an election called for such purpose.

Section 2. That City of Topeka Code § A2-24, Mayor: functions, powers and duties, is hereby amended to read as follows:

Mayor: functions, powers and duties.

(a) The Mayor shall be the chief elected officer of the city, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for municipal activity. The Mayor shall have the following powers, duties, and responsibilities:

The Mayor shall:

(a)(i) Recommend to the Council such measures and legislation as he or she deems necessary and to make such other recommendations to the Council concerning the affairs of the city as he or she finds desirable, but shall not have a vote on any matter before the governing body, except charter ordinances or as otherwise specifically provided by charter ordinance of the City of Topeka.

(b)(ii) Encourage programs for the physical, economic, social, and cultural development of the city.

(e)(iii) Actively promote economic development to broaden and strengthen the commercial and employment base of the city.

(e)(iv) Serve as ceremonial head of the city.

(d)(v) Represent the city in intergovernmental relations as directed by the Council.
(e)(vi) Provide community leadership.

(f)(vii) Preside as Chair of Council meetings.

(g)(viii) Have no administrative powers.

(h)(ix) Have general veto power on all council legislation and "line item" veto in all matters of appropriation ordinances, but shall not have authority to veto charter ordinances. The Mayor shall have no vote on any matter that comes before the governing body, except on charter ordinances and as otherwise specifically provided by charter ordinance of the City of Topeka.

(b) This section A2-24 of the charter ordinances of the City of Topeka shall only be amended or repealed upon approval by a majority of the electors voting during an election called for such purpose.

Section 3. That City of Topeka Code §A2-25 Powers of the governing body, is hereby amended to read as follows:

Powers of the governing body.

(a) The Council and Mayor shall be the governing body of the city. It shall exercise the corporate powers of the city and, subject to the expressed limitations of this Charter Ordinance, it shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of Kansas. It shall have no administrative powers.

(b) This section A2-25 of the charter ordinances of the City of Topeka shall only be amended or repealed upon approval by a majority of the electors voting during
an election called for such purpose.

Section 4. That City of Topeka Code § A2-29, Vacancies; forfeiture of office; filling of vacancies, is hereby amended to read as follows:

Vacancies; forfeiture of office; filling of vacancies.

(a) Vacancies. The office of district Councilmember or Mayor shall become vacant upon death, resignation, recall, removal from office in any manner authorized by law, failure of the electorate to elect an officeholder as provided for in Article II herein, or by forfeiture of office pursuant to K.S.A. § 60-1205, as it may be amended.

(b) Forfeiture of office. A district Councilmember or Mayor shall ipso facto forfeit his or her office if he or she at any time during the term of office lacks any qualification for the office prescribed by this Charter Ordinance or other applicable law, or if he or she violates any other provision of this Charter Ordinance. A forfeiture does not occur if a district Councilmember no longer resides in his or her elected district as a result of redistricting.

(c) Filling of vacancies. A vacancy in the offices of Mayor or district Councilmember shall be filled by appointment of an elector qualified to fill the vacant position by a majority vote of the remaining members of the governing body, including the Mayor. If such vacancy occurs before January 1 of an odd numbered year leaving an unexpired term of more than one (1) year, such unexpired term shall be filled at the next regular city primary and general election in the same manner as if the term were expiring and the term of the appointed member shall end upon election of a member
for the unexpired term.

Section 5. That City of Topeka Code §§ A2-21, A2-24, A2-25, and A2-29 are hereby specifically repealed.

Section 6. This charter ordinance shall take effect and be in force the 61st day after its passage, approval and final publication in the official city newspaper, unless a valid petition demanding a referendum is filed with the city clerk within 60 days after the final publication.

PASSED and APPROVED by the City Council

MAY 2 3 2006

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 96 was passed on the 23rd day of May, 2006, as shown by the minutes, Book 2006 Page 361, by a vote of 8 for and 0 against, being not less than 2/3 of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 21st day of June, 2006, and on the 28th day of June, 2006, being once each week for two consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk.
within sixty days after the final publication, said charter ordinance took effect on the 28th day of August, 2006.

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 7 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 ____________, 20____.

Iris E. Walker, City Clerk