CHARTER ORDINANCE NO. 98

A CHARTER ORDINANCE introduced by Mayor William W. Bunten and Councilmember Deborah Swank, amending City of Topeka Code § A2-1 to Charter out of K.S.A. 12-3003, City of Topeka Code § A2-24 to give the Mayor the right to vote on certain legislation and repealing said original sections; also creating new section A2-25.5 concerning the City Council’s ability to override a mayoral veto.

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

Section 1. That Section 1 of Charter Ordinance No. 94, codified as Section A2-1, Statutes made inapplicable, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Statutes made inapplicable.

The City of Topeka, Kansas, by the power vested in it by article 12, section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. §§ 12-3002, 12-3003, 13-103, 13-502, 13-506 through 13-516, 13-518, 13-527, 13-907, 13-1011, 13-1013, 13-1410, 13-2401 through 13-2412, 25-2107, 25-2110, 25-2110a, and 25-2117, and provide substitute and additional provisions as hereinafter set forth in this Charter Ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not applicable uniformly to all cities.

Section 2. That Section 11 of Charter Ordinance No. 94, amended by Section 3 of Charter Ordinance No. 96, codified as Section A2-24, Mayor: functions, powers and duties, of The Code of the City of Topeka, Kansas, 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:

(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 any legislation for which state law requires adoption by a majority or such other greater vote of the governing body, or as otherwise specifically provided by charter ordinance of the City of Topeka.

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

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

(iv) Serve as ceremonial head of the city.

(v) Represent the city in intergovernmental relations as directed by the Council.

(vi) Provide community leadership.

(vii) Preside as Chair of Council meetings.

(viii) Have no administrative powers.

(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 or any legislation on which the mayor is entitled to vote. 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 The Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered A2-25.5, which said section reads as follows:

**Powers of the City Council.**

In addition to any other grant of authority under the Constitution of the State of Kansas, applicable state law, or Charter Ordinance No. 94, as amended, the Council shall have the following duties, powers and responsibilities including, but without limitation thereto:

The ability to override a mayoral veto of any council legislation whether by resolution or ordinance by a two-thirds (2/3) vote of the entire council that number being six (6).

Section 4. That section 1 of Charter Ordinance No. 94 as codified at City of Topeka Code § A2-1 is hereby specifically repealed.

Section 5. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 6. This is a charter ordinance and its effect is hereby made subject to a vote of the electors of the City of Topeka, Kansas.
PASSED and APPROVED by the City Council February 24, 2009.

CITY OF TOPEKA, KANSAS

ATTEST:

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William W. Bunten, Mayor

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Brenda Younger, City Clerk
STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 98 was passed on the 24th day of February, 2009, as shown by the minutes, Book 09 Page 68, by a vote of (10) ten for and (0) zero 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 4th day of March, 2009, and on the 11th day of March, 2009, being once each week for two consecutive weeks and ordinance mandating an election in order to repeal or amend certain section of the Charter Ordinance, the governing body passed Ordinance No. 19229 on the 24th day of February, 2009, calling an election to be held on said Charter Ordinance on the 7th day of April, 2009, said ordinance begin published in the city’s official newspaper on March 4, 2009, March 11, 2009, and March 18, 2009 being once each week for three (3) consecutive weeks and such election was duly held and majority of the electors voting thereon approving the Charter Ordinance, the Charter Ordinance took effect.

Brenda Younger, City Clerk

CERTIFICATE

I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of Kansas do hereby certify that the above and foregoing, consisting of 5 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 98 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 Charter Ordinance became effective on the _____ day of ______________, 2009.

Brenda Younger, City Clerk