CHARTER ORDINANCE NO. 101

A CHARTER ORDINANCE introduced by Councilmember Deborah Swank, amending City of Topeka Code § A9-2 and § A9-20 and repealing said original sections concerning the Metropolitan Transit Authority.

WHEREAS, the Governing Body of the city has adopted the provisions of the Metropolitan Transit Authority Act, K.S.A. 12-2801 et seq. (the “Act”), and by Charter Ordinance has made certain provisions of the Act inapplicable to the City of Topeka and provided certain substitute provisions therefor; and

WHEREAS, the Governing Body desires to further amend the provisions of the Charter Ordinance relating to the tax levy and meetings of the transit board.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That Section 3 of Charter Ordinance No. 19, as amended by Charter Ordinance No. 50 § 1, Charter Ordinance No. 82 § 1, and Charter Ordinance No. 99 § 2, as codified at § A9-2, Levy of tax, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Levy of tax.

The governing body of the City of Topeka, Kansas may levy a tax not to exceed five and four-tenths (4.4) mills for 2010. For 2011 and subsequent years the levy may not exceed three (3) mills each year. The mill levy shall be upon all the taxable property within such city, as authorized by ordinance of the city, the proceeds of such tax levy to be used by the metropolitan transit authority of Topeka, Kansas, created by this
Charter Ordinance No. 19, as amended by Charter Ordinance Nos. 50, 82, and 99 to carry out its duties under the metropolitan transit authority act, as amended.

Section 2. That Section 6 of Charter Ordinance No. 23, as codified at § A9-20, Same - Meetings, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Same – Meetings.

Regular meetings of the board shall be held at least once in each calendar month, and special meetings on call of the chairman or a majority of the members; the time and place of such meetings to be fixed by the board. A majority of the members of the board shall constitute a quorum for the transaction of business. All actions of the board shall be by motion or resolution. All minutes, resolutions and other proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in negotiations, action or proceedings to which the authority is a party.

Section 3. That Section 3 of Charter Ordinance No. 19, as amended by Charter Ordinance No. 50, 82, and 99 as codified at City of Topeka Code § A9-1, and Section 6 of Charter Ordinance 23, as codified at City of Topeka Code § A9-20, are hereby specifically repealed.

Section 4. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 5. 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 6. 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.

PASSED AND APPROVED by the Governing Body April 27, 2010.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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

The foregoing Charter Ordinance No. 101 was passed on the 27th day of April, 2010, as shown by the minutes, Book 2010 Page 143, by a vote of eight (8) for and two (2) 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 3rd day of May, 2010, and on the 10th day of May, 2010, 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 26th day of June, 2010.

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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 4 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 101 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 26th day of June, 2010.

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Brenda Younger, City Clerk