CHARTER ORDINANCE NO. 110

A CHARTER ORDINANCE introduced by Pamela S. Simecka, Interim City Manager, amended Charter Ordinance, codified at TMC § A2-30 concerning council rules of procedure, specifically the publication requirement.

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

Section 1. Section A2-30, as established by Charter Ordinance No. 94, is hereby amended to read as follows:

Council rules of procedure.

(a) Meetings. The Council shall meet regularly at least twice in every month at times and places as the Council may prescribe by ordinary ordinance. Special meetings may be held on the call of the Mayor or of four (4) or more district Councilmembers in the manner prescribed by rules of the Council.

(b) Rules and journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings.

(c) Voting. Five (5) members of the Council shall constitute a quorum. All actions by the Council shall be taken by the affirmative vote of five (5) or more members of the Council, unless a greater or lesser number of votes is required by this Charter Ordinance, by the Statutes of Kansas, or by the Constitution of Kansas. The votes of all Councilmembers shall be recorded in the journal.

(d) Form. Proposed ordinary ordinances and resolutions shall be introduced in the Council only in written or printed form. No ordinary ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause of all
ordinary ordinances shall be: “Be it Ordained by the Council of the City of Topeka, Kansas:”.

Any ordinary ordinance which repeals or amends an existing ordinary ordinance or part of the Code of Ordinances of the city shall set out in full the sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(e) Procedure. Except in the case of emergency ordinances, and except where Kansas Statutes or other applicable law provide a different procedure for passage of ordinances for a specific purpose, every proposed ordinary ordinance shall be read by title in open Council meeting two (2) times before final passage, and at least one (1) week shall elapse between introduction and final passage. A copy of each proposed ordinary ordinance shall be provided for each district Councilmember and the Mayor at the time of its introduction, and at least three (3) copies shall be provided for public inspection in the office of the City Clerk or such other city officer as the Council may designate until it is finally adopted or fails of adoption. Persons interested in a proposed ordinary ordinance shall be given an opportunity to be heard before the Council in accordance with such rules and regulations as the Council may adopt. If the Council adopts an amendment to a proposed ordinary ordinance which constitutes a change in substance, the proposed ordinary ordinance as amended shall be placed on file for public inspection in the office of the City Clerk or such other appointive officer as the Council may designate for one (1) additional week before final passage.

(f) Emergency ordinances. An ordinary ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing
in clear and specific terms the facts and reasons constituting the emergency. Neither an
ordinance granting, reviewing, or extending a franchise, nor a Charter Ordinance, shall
be passed as an emergency ordinance.

(g) Publication. The City Clerk or such other city officer as the Council may
designate shall cause all ordinary ordinances, including but not limited to emergency
ordinances, as soon as practicable after they have been passed and signed, to be
published once in the official city newspaper, unless Kansas Statutes or other
applicable law require more publications. In lieu of publication of the entire ordinance,
the City Clerk may publish a summary of the ordinance provided all of the following
requirements are met:

(1) The publication is identified as a ‘summary’ and contains notice that
the complete text of the ordinance may be obtained or viewed free of charge at
the City Clerk’s office or on the city’s website.

(2) The City Attorney certifies the summary of the ordinance prior to
publication to ensure that the summary is legally accurate and sufficient.

(3) The publication contains the city’s official website address where a
reproduction of the original ordinance is available for at least ninety days
following the summary publication in the newspaper.

(4) If an ordinance is subject to a petition pursuant to state law, the
summary shall contain a statement to that effect.

(h) Effective date. Except in the case of emergency ordinances, and except
where Kansas Statutes otherwise specify, every adopted ordinary ordinance shall
become effective upon its publication pursuant to subsection (g) or at any later date
specified therein. Emergency ordinances shall become effective upon passage or at any later date specified therein.

(i) Signature, authentication and recording. All ordinary ordinances and resolutions passed or adopted by the Council shall be authenticated by the signatures of the Mayor and City Clerk or such other appointive officer as the Council may designate. The City Clerk or such other appointive officer as the Council may designate shall record in a properly indexed “Ordinance Book” kept for the purpose of every ordinary ordinance, immediately after its publication, or in the case of emergency ordinances immediately after passage.

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 original § A2-30 of the Code of the City of Topeka is hereby specifically repealed.
PASSED AND APPROVED by the Governing Body on July 24, 2012.

CITY OF TOPEKA, KANSAS

__________________________________________
William W. Bunten, Mayor

ATTEST:

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

The foregoing Charter Ordinance No. 110 was passed on the 24th day of July, 2012, as shown by the minutes, Book 2012 Page 275, by a vote of ten (10) for and (0) zero 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 30th day of July, 2012, and on the 6th day of August, 2012, 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 5th day of October, 2012.

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 6 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 110 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 5th day of October, 2012.

Brenda Younger, City Clerk