CHARTER ORDINANCE NO. 112

A CHARTER ORDINANCE introduced by City Manager Jim Colson amending Charter Ordinances codified at TMC § A2-26, § A2-30 and § A2-55, all concerning council meetings, agendas and readings.

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

Section 1. Section A2-26, Organization of council, as established by Charter Ordinance No. 94, is hereby amended to read as follows:

Organization of council: Meetings; Deputy mayor.

At its first regular meeting after a city election, the Council shall:

(1) Establish by ordinary ordinance a regular schedule of meeting times and dates for the next two (2) years. Such schedule shall provide for no fewer than two (2) meetings each month.

(2) Elect a Deputy Mayor from among its members to serve a one (1) year term.

At the first regular Council meeting in April of the succeeding year, the Council shall elect from among its members a deputy mayor to serve for the second year. This term shall also be for one (1) year. The Deputy Mayor shall serve in the absence or temporary disability of the Mayor.

(a) The Council shall establish, by ordinance, a meeting schedule for each calendar year, with a minimum of two meetings each month.

(b) In April of each year, the Council shall elect a councilmember to serve as deputy mayor in the absence or temporary disability of the mayor. The deputy mayor shall serve for one (1) year.
Section 2. Section A2-30, Council rules of procedure, as established by  
Charter Ordinance No. 110, 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 provides a different procedure for passage of ordinances for a specific purpose, every proposed ordinary ordinance shall be read by title in open a Council meeting two (2) times before final passage, and at least one (1) week shall elapse between introduction and final passage. All ordinances shall be considered at a Council meeting. 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 3. Section A2-55, Duties, as established by Charter Ordinance No. 94, is hereby amended to read as follows:

Duties.

The City Manager shall have the power and it shall be his or her duty:

(a) To execute and enforce all laws and ordinances and policies of the Council and to administer the affairs of the city.

(b) To sign all contracts binding the city, unless Council approval of the contract or subject matter is required by city ordinance or resolution, state or federal law, or other city officers or employees are specifically authorized by ordinance to approve and sign the contracts. This authority is subject to all legal and administrative reviews and approvals otherwise required by city ordinance.

(c) To attend all meetings of the Council, and its committees, unless excused, and such meetings of boards and commissions as he or she chooses or which he or she is directed to attend by the Council, and to participate in discussions at such meetings.

(d) To recommend to the Council such measures and ordinances as he or she may deem necessary or expedient and to make such other recommendations to the Council concerning the affairs of the city as he or she finds desirable.

(e) To investigate affairs of the city under his or her supervision, or any
franchise or contract for the proper performance of any obligation running to the city within his or her jurisdiction.

(f) To control and administer the financial affairs of the city.

(g) To prepare an annual budget for submission to the Council.

(h) To prepare or cause to be prepared the plans, specifications, and contracts for work which the Council may order.

(i) To supervise the purchasing of materials and supplies and to make recommendations to the Council in connection with the awarding of public contracts and to see that all city contracts under his or her direction or that of the Council are faithfully performed.

(j) To prepare and submit to the Council such reports as it may require or that the City Manager deems appropriate.

(k) To keep the Council at all times fully advised as to the financial condition and needs of the city.

(l) To prescribe such general rules and regulations as he or she may deem necessary or expedient to the general conduct of the administrative departments under his or her jurisdiction.

(m) When directed by the Council, to represent the city in its intergovernmental relations and to negotiate contracts for joint governmental actions, subject to Council approval.

(n) To devote his or her entire time to the duties and interest of the city.

(o) To perform such other duties as may be prescribed by this Charter Ordinance or by ordinance or resolution.
(p) To provide the Council by February 28 with a written report of the city’s financial condition and administrative activities for the prior fiscal year.

(q) To recommend organization of departments and divisions in the most efficient and economical manner.

(r) To prepare the agenda for the conduct of business at Council meetings.

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.

Section 7. That sections of Charter Ordinance as codified in Topeka City Code TMC § A2-26, § A2-30 and § A2-55 are hereby specifically repealed.
PASSED AND APPROVED by the Governing Body on January 14, 2014.

CITY OF TOPEKA, KANSAS

______________________________  
Larry E. Wolgast, Mayor

ATTEST:

__________________________  
Brenda Younger, City Clerk

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 112 was passed on the 14th day of January, 2014, as shown by the minutes, Book 14 Page _____, 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 20th day of January, 2014, and on the 27th day of January, 2014, 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 28th day of March, 2014.

______________________________  
Brenda Younger, City Clerk
CERTIFICATE

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

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 nine (9) typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 112 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 28th day of March, 2014.

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Brenda Younger, City Clerk