City Council Committee Meeting Notice

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: (785) 368-3710
Fax: (785) 368-3958
www.topeka.org

Committee: Policy and Finance
Date: November 18, 2016
Time: 3:00 p.m.
Location: TPD LEC Classroom A, 320 S. Kansas Ave.

Agenda:

1) Call to order
2) Approve minutes from August 19, 2016
3) Discussion and possible action on Records Fees
4) Continue discussion and possible action on Council Rules & Procedures
5) Schedule future meeting for discussion and possible action on Council Training
6) Any other items before the Committee

STAFF NOTIFIED: Legal, City4, TPD, City Manager, City Council, Mayor

STAFF REQUESTED: Lisa Robertson and Mary Feighny, Legal Department; Darin Scott, Police Department; Brenda Younger, City Clerk.

MEMBERS: Karen Hiller (Chairperson)
Richard Harmon
Tony Emerson

Contact: Angela Horn, 785-368-3710
October 7, 2016
Date: August 19, 2016

Time: 2:00 p.m.

Location: Holliday Conference Room, 620 SE Madison St.

Committee Members Present: Councilmembers Karen Hiller (Chair), Richard Harmon and Tony Emerson.

Others Present: Mayor Larry Wolgast, City Attorney Lisa Robertson, Deputy City Attorney Mary Feighny, City Council Assistant Angela Horn.

1) Chairperson Karen Hiller called the meeting to order.

2) The July 26, 2016 meeting minutes were approved by a vote of 2-0-1. Councilmember Richard Harmon abstained; he was not in attendance at the July 26, 2016 meeting.

3) Continued discussion and possible action on proposed revisions to the City Council Rules and Procedures to reflect changes to Charter Ordinance No. 117 that became effective on April 23, 2016, as well as changes recommended by The Citizens Government Review Committee.

The Committee reviewed and discussed an updated draft of the City Council Rules and Procedures (attached) that legal staff revised to incorporate the changes recommended by the Committee at the July 26, 2016 Committee meeting.

1.1 Charter
(b) is a new section proposed by Chairperson Hiller, regarding the governing body establishing work groups or task forces to discuss issues with city staff. Richard Harmon opposes this addition; he does not see a reason for this section, since the governing body is already allowed to meet with people. Chairperson Hiller explained she had
suggested the language because new members are not certain of what they can do.

The Committee agreed on the following proposed changes:

2.5 Duties of City Manager Relative to Governing Body. Changes clarify when communication between city staff and the governing body is acceptable.

2.7 Duties of City Attorney Relative to the Governing Body. Changes clarify the role of the City Attorney.

5.2 Addition and Removal of Items from the Agenda. Changes clarify the need for an explanation.

5.5 Public Comment. The Committee discussed the 5:00 p.m. deadline to sign up to speak at a council meeting and the 4 minute limit rule.

Councilmember Harmon suggested that the deadline for citizen’s to sign up to speak at a City Council meeting should be changed from 5:00 p.m. to 6:00 p.m. Citizens could still sign up before 5:00 p.m. through the City Clerk’s Office, but they could also sign up in the Council Chamber, prior to the 6 p.m. start of the City Council Meeting.

6.2 Motions. (e) To Amend a Motion. Adding the language ‘An amendment to a motion cannot be amended’ is not necessary since it is mentioned elsewhere in the document.

8.5 Procedure for Committee Items. (a) Reference to Committee; Initiation by Committee. Make ‘reference to committee’ item (a)(1) and ‘initiation by committee’ item (a)(2). (b) Referred Item Action Deadline. Change 60 days to discharge from committee to 90 days. Change ‘council agenda’ to ‘governing body agenda’ in last line. (c) Committee Action (2) Placement on Governing Body Meeting Agenda has been moved to section (d). Change ‘pursuant to section 8.5(a)’ to ‘pursuant to sections 8.5(a)(1) and (2)’.
8.10 Minutes.
Change wording to state that if the committee does not meet within
30 days, the chairperson may approve the minutes if there are no
objections or changes from other committee members.

The Committee agreed to discuss section 2.6 further at the next
meeting.

2.6 Duties of the Deputy Mayor, is a new section proposed by
Chairperson Hiller.

Chairperson Hiller proposed a change to the Charter Ordinance
regarding the Deputy Mayor duties, and to remove proposed section
2.6 from the Council Rules and Procedures document. Legal staff
advised against amending the Charter Ordinance. Councilmember
Harmon objected to any additions to the Deputy Mayor duties. He
stated that many of these proposed duties should be covered by the
City Manager’s Office and not the Deputy Mayor. Lisa Robertson
suggested removing any duties with no legal authority.

4) There were no other items before the Committee.

Meeting was adjourned at 3:52 p.m.

The full meeting video can be viewed at:
Part 1: https://www.youtube.com/watch?v=qY0nf1DBcuQ&feature=youtu.be
Part 2: https://www.youtube.com/watch?v=ca2NryeGd00&feature=youtu.be
ORDINANCE NO. ___________

AN ORDINANCE introduced by City Manager Jim Colson, concerning fees and procedures for record requests, amending City of Topeka Code § 2.20.090, § 2.20.110, § 2.20.120, and § 10.10.050 and specifically repealing said original sections.

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

Section 1. That section 2.20.090, Requests to be directed to custodian, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Requests to be directed to custodian.

(a) All members of the public, in seeking Written as the official custodian of city records, the city clerk shall receive and coordinate all requests for access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their written requests to the city clerk.

(b) Written requests submitted to any other city office; however, all record requests shall be referred forwarded to the office of the city clerk for timely and proper processing.

(c) Whenever any city officer or employee is presented with a written request for access to, or a copy of, a public record which is not in his or her possession and for which he or she has not been given responsibility to keep and maintain, the officer or employee shall so advise the person requesting the record. Further, the person making the request shall be advised to direct the request to the city clerk.

Section 2. That section 2.20.110, Inspection fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Inspection and search fee.

ORD/Records Fees 2/4/15
(a) Where a request has been made for inspection of any open public record which is readily available to the record custodian, there will be no inspection fee charged to the requester.

(b) In all cases not covered by subsection (a) of this section, a record inspection fee may be charged at the rate of $13.00 per hour per employee determined by the records custodian comparatively based on the hourly rate of the employee engaged in the record search and production. A minimum charge of $6.00 may be charged for each such request.

Section 3. That section 2.20.120, Copying fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

2.20.120 Copying and other fees.

A fee of $0.25 per page may be charged for photostat black and white photocopies of public records, such fee to cover the cost of labor, materials and equipment. The records custodian may establish a fee schedule for production of records in other formats, such as color copies or records provided electronically. The records custodian may set flat fees for certain types of records. Additional fees, including any other costs incurred by the agency in connection with complying with a record request (e.g. mailing costs), may be assessed to the requestor.

Section 4. That section 10.10.050, Fees collected by the records section, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees collected by the records section.

(a) Employers. In all cases where the records section of the police department is requested and authorized to check and give information from its files
regarding individuals who may be potential employees, or for any other purposes, a fee
of $5.00 shall be charged for each name checked, such fee to be due and payable at
the time the check is made and the information is given.

(b) Accident Reports. In all cases where the records section of the police
department is requested to provide traffic accident reports from its accident report files,
a flat fee of $5.00 shall be charged, such fee to be due and payable at the time the
accident report is given.

(c) In any case where the records section is requested to provide any other
report from its files, a fee of $2.00 shall be charged for reports not exceeding five
pages; fees for accessing records will be in accordance with Chapter 2.20 TMC. For
reports exceeding five pages, the fee shall be $2.00 for the first five pages, plus $1.00
per page for each page over five pages, such fee to be due and payable at the time the
report copy is given. Requests which require research of files older than one year will be
charged a research fee of $25.00 per person-hour. An estimated amount may be
required to be paid for such research in advance.

(e) Photographs. In all cases where the records section of the police
department is requested to provide copies of photographs taken by the police
department, the following fees shall be charged:

(1) For each black and white picture requested:
- (i) For a 4-inch by 5-inch picture $2.00
- (ii) For a 5-inch by 7-inch picture $2.50
- (iii) For an 8-inch by 10-inch picture $5.00
- (iv) For an 11-inch by 14-inch picture $6.50
- (v) For each Polaroid copy $5.00
- (vi) For a 4-inch by 5-inch copy negative $5.00

(2) For each color picture requested:
- (i) For standard 127 and 35mm prints $2.50
- (iii) For an 8-inch by 10-inch picture $6.60
- (iv) For an 11-inch by 14-inch picture $8.00
- (v) For each color Polaroid copy $7.00

(3) For color slides:
- (i) Minimum order for slides $40.00
- (ii) Color slides from prints (each) $4.25

Such fees are due and payable at the time the copies of photographs are requested.

(d) Disposition: All fees collected under the provisions of this section shall be paid into the city treasury as provided by law.

Section 5. That original § 2.20.090, § 2.20.110, § 2.20.120, and § 10.10.050 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 7. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 8. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on ________________

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

ORD/Records Fees 2/4/15
ORDINANCE NO. __________

AN ORDINANCE introduced by City Manager Jim Colson, concerning open record request fees, amending City of Topeka Code § 2.20.110 and § 2.20.120 and specifically repealing said original sections.

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Section 1. That section 2.20.110, Inspection fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Inspection and search fee.

(a) Where a request has been made for inspection of any open public record which is readily available to the record custodian, there will be no inspection fee charged to the requester.

(b) In all cases not covered by subsection (a) of this section, a record inspection fee may be charged at the rate of $13.00 per hour determined by the records custodian based on the hourly rate of the employee engaged in the record search and production. A minimum charge of $6.00 may be charged for each such request.

Section 2. That section 2.20.120, Copying fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

2.20.120 Copying fee.

A fee of $0.25 per page may be charged for photocopying public records, such fee to cover the cost of labor, materials and equipment. The records custodian may set flat fees for certain types of records.
Section 3. That original § 2.20.110 and § 2.20.120 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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PASSED AND APPROVED by the City Council on _________________.

CITY OF TOPEKA, KANSAS

__________________________
Larry E. Wolgast, Mayor

ATTEST:

__________________________
Brenda Younger, City Clerk
2015 KORA Statistics

GENERAL INFO

Total No. of Requests: 319 (approximately 50 "abandoned" (requested but never picked up)
Total Fees Assessed: $2898.00

Types of Requests Logged in Clerk’s Office:
- 92 Fire Incident Reports
- 59 Property Info records—includes zoning verification (fire), environmental assessments (planning), building permits/certificates of occupancy (development services)
- 143 “Other”—copies of ordinances, contracts, RFPs and bid information, utility bills, utility inspection reports, employee salary/staffing information, code compliance reports/complaints, accident/traffic counts, light sequencing reports, municipal court records, lists of approved permits/registries (firework stands, food trucks, domestic partner registry)
- 25 TPD (most requested directly at station or online??)

Who are the Requestors:
- Most requests for fire reports are by insurance agencies
- Most requests for property info are businesses
- 25 requests by media

STAFF TIME

Generally, requests taking 15 minutes or less are only charged based on the $.25 per page rate, whether the copies are provided on paper or delivered electronically.

Total staff time reported for the year: 145 hours
Total assessed for staff time at $13/hour: $1885.00

Range of hourly wages for researching staff: $46.15-$17.70 (Avg-$27.68)

Potentially could have assessed $4013.60 for research based on these rates, for additional $2128.60 in revenue

Other “Unrecovered” Costs

- No additional fees are charged for mailing or faxing
City of Topeka
Governing Body I

Rules of Procedure

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GOVERNING BODY RULES OF PROCEDURE  
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For Presentation at the 9/30/16 Committee Meeting
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GOVERNING BODY RULES OF PROCEDURE
Changes from the 8/19/16 Committee Meeting
For Presentation at the 8/30/16 Committee Meeting
1. **AUTHORITY**

1.1 Charter:

(a) TMC A2-30 provides that the governing body may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the governing body and until such time as they are amended or new rules adopted in the manner provided by these rules.

(b) Nothing in these rules of procedure shall preclude a governing body member(s) from establishing a work group or task force meeting with others to examine any issue that may be presented for consideration to the city manager, a Council committee or the governing body. Members may include individuals and groups that have an interest in the subject.

2. **GENERAL RULES**

2.1 Meetings to be Public: All meetings of the governing body shall be open to the public, except for executive sessions as provided for by state statute. Persons attending meetings shall turn off or mute any device or instrument capable of emitting an audible sound or tone before entering the meeting room.

2.2 Quorum: Six members of the governing body shall constitute a quorum and be necessary for the transaction of business.

2.3 Record of Proceedings: An account of all proceedings of the governing body shall be kept by the city clerk and shall constitute the official record.

2.4 Right of Floor: Any member desiring to speak shall be recognized by the meeting chair, and shall confine his or her remarks to the subject under consideration or the one to be considered.

2.5 Duties of City Manager Relative to Governing Body:

(a) The members of the governing body and the city manager shall observe scrupulously the relationship and the respective authorities and responsibilities of each as provided by the statutes, city ordinances, governing body rules or procedure and the ethics of good conduct. Generally speaking, the governing body shall act as a policy-making body only except as specifically provided otherwise by statute and the city manager shall act as the administrative head of the city. The governing body shall delegate to the city manager all administrative duties not specifically required by statute to be
performed by the governing body. No member of the governing body shall interfere directly with the conduct of any municipal department. All instructions or direction to the city manager shall come from the governing body after approval of a majority (six) of the members. The city manager shall disregard any other instructions or directions and shall refer them to the governing body as a whole. Requests for routine information may be made to the city manager, department heads or their designees by any member of the governing body, but all requests for lengthy or detailed reports shall be made only to the city manager. Except for the assistant to the Council, no instructions or directions shall be given by any member of the governing body to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the governing body for such action as may be appropriate in each individual case. Notwithstanding this subsection (a), when the city manager delegates a specific task to a particular staff member(s), including staffing a committee, direct communication may occur between council members and that staff member(s).

(b) The city manager shall act as the administrative head of the city and in such capacity shall direct the affairs of the city within the limits of the budget, the policies established by the governing body and the requirements of the statutes. The city manager or a designee shall attend all meetings of the governing body unless excused by a majority of the governing body. The city manager shall prepare and submit the annual budget to the governing body, shall keep the governing body advised as to the financial condition and requirements of the city and shall make recommendations on all matters concerning the welfare of the city. The city manager shall have no vote in the public meetings of the governing body and shall refrain from attempting to establish policy except to make recommendations to the governing body. The city manager shall observe the highest standard of ethics of the city manager profession. The city manager shall consult with the governing body on matters pertaining to the affairs of the city.

2.6 Duties of Deputy Mayor

(g) Serves in the absence or temporary disability of the Mayor
(b) Appoints council members to council committees
(c) Appoints a council member to the Shawnee County Local Emergency Planning Committee
(d) Appoints a Council chaplain
(e) Serves on the City Employees' Health Care Advisory Committee or appoints a designee

Comment [LR1]: 9.30.16 DISCUSSION ITEM: Committee needs to determine what recommendation it wishes to make to the GB with respect to duties of Deputy Mayor.
Comment [MF2]: Sec. A2.24(b)
Comment [MF3]: Council Rule 8.2(b)
Comment [MF4]: Resolution 7458
Comment [MFS]: TMC 2.140.390(a)
2.7 Duties of City Attorney Relative to the Governing Body:

(a) The city attorney or a designee shall attend all meetings of the governing body. He or she shall draft or cause to be drafted all ordinances, resolutions, contracts, releases, agreements and other instruments pertaining to legal actions of the city which shall have been approved as to form and legality by the city attorney or a designee before presentation to the governing body. When requested by any member of the governing body, the city attorney shall furnish an opinion, either written or oral as may be appropriate in each case, concerning parliamentary rulings, interpretations of governing body rules of procedure and opinions as to legality of matters under consideration. The City Attorney represents the City through its governing body, as a whole, as well as the city manager; but not individual residents or individual governing body members.

(b) The city attorney shall be the parliamentarian for the governing body, and shall provide advice and counsel to the meeting chair on all interpretations of the rules and procedures for the conduct of meetings. However, the meeting chair shall rule on all such matters, as provided by Rule 4.4.

2.8 City Clerk: The City Clerk or a designated representative shall attend all meetings of the governing body and shall keep the official record (minutes) and perform such other duties as may be requested.

2.9 Officers and Employees:

(a) Notwithstanding TMC A2-54, which gives the city manager the power to appoint, discipline and remove any employee in accordance with City personnel policies, the mayor and deputy mayor, or their designees, may provide input to the city manager regarding the employment and evaluation of the assistant to the mayor and assistant to the council.
b) When there is pertinent business from their departments on the 
agenda, department heads or their designees shall attend such 
meetings upon request of the city manager.

2.10 Rules of Order: "Roberts Rules of Order Revised" shall govern the 
proceedings of the council in all cases, unless they are in conflict with 
these rules.

2.11 Television Coverage: Except as otherwise provided herein, the public 
portions of governing body meetings shall be televised live, subject to 
budget constraints or technical difficulties.

2.12 Seating during Meetings: The council shall be seated in council district 
order.

3. TYPES OF MEETINGS

3.1 Governing Body Meetings: The governing body shall meet in the 
council chambers for meetings pursuant to TMC § 2.15.020.

3.2 Special Governing Body Meetings: Special meetings may be called by 
the city manager, mayor or by four (4) or more members of the council. 
The call for a special meeting shall be submitted to the city clerk, except 
an announcement of a special meeting during any meeting at which a 
quorum of members are present shall be sufficient notice of such special 
meeting. The call for a special meeting shall specify the day, the hour, 
and the location of the special meeting and shall list the subject or 
subjects to be considered. Only such business may be transacted at a 
special meeting as may be listed in notice. Except for emergencies, the 
city clerk shall provide documented notice of a special meeting to the city 
manager, the entire governing body, and shall post the notice on the City’s 
web site at least 24 hours prior to the meeting date.

3.3 Committee Meetings: Committee meetings may be held pursuant to 
Rule 8.

3.4 Attendance of Media at Meetings: All meetings of the governing body 
and its committees shall be open to the media, freely subject to recording 
by radio, television, and photographic services at any time, provided that 
such arrangements do not interfere with the orderly conduct of the 
meetings.

4. CHAIR AND DUTIES

4.1 Meeting Chair: The mayor, if present, shall preside as chair at all 
meetings of the governing body. In the absence of the mayor, the deputy
mayor shall preside. In the absence of both the mayor and deputy mayor, the city clerk shall preside until a chair is elected.

4.2 Call to Order: The meetings of the governing body shall be called to order by the mayor or, in the mayor's absence, by the deputy mayor. In the absence of both the mayor and the deputy mayor, the meeting shall be called to order by the city clerk for the election of a temporary chair.

4.3 Preservation of Order: The chair shall preserve order and decorum, prevent attacks on personalities or the impugning of member's motives, and confine members in debate to the question under discussion. The following will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, and speeches so disruptive of proceedings that the legislative process is substantially interrupted. Any governing body member engaging in any of these will be warned once by the chair and if the behavior continues, the governing body member will be ordered to leave the council chambers and that order shall be effective after a two thirds affirmative vote of the members present. If necessary, the governing body member will be escorted from the chambers if such member persists in interfering with the ability of the governing body to reasonably carry out its functions.

4.4 Point of Order: The chair shall determine all points of order, subject to the right of any member to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the chair be sustained?"

4.5 Questions to be Stated: The chair shall state all questions submitted for a vote and announce the result.

5. GOVERNING BODY MEETING AGendas

5.1 Preparation and Circulation: The city manager shall create an agenda for governing body meetings. Each Thursday, the city clerk shall make available the agendas for the next two consecutive meetings and, absent technical difficulties, post the agendas to the City's website.

5.2 Addition and Removal of Items from the Agenda: Notwithstanding section 5.1, items may be added to the agenda pursuant to TMC 2.15.040, which requires an explanation for the necessity of adding the item and a majority vote of the governing body to add the item. The city manager may remove any item from the agenda if the item is not ready for consideration unless the governing body has taken action to defer the item to a date certain or the item has been considered by a committee pursuant to Council Rule 8.5(b).
5.3 Agenda Contents: Each agenda shall include the following:

- Call to order.
- Invocation.
- Pledge of allegiance.
- Mayoral Proclamations.
- Presentations. Presentations include staff reports.
- Roll Call.
- Appointments. Appointments made by the Mayor to boards and commissions will be confirmed collectively by the Council. Any appointment may be considered separately by request of a council member, in which event the item will be moved to Action items.
- Consent agenda. The consent agenda is comprised of routine matters to be approved collectively (e.g. meeting minutes, license applications, claims). Any item may be considered separately by request of a governing body member or the city manager, in which event the item will be moved to Action items.
- Action items. Action items include matters where the Council or governing body, as appropriate, takes action (e.g. ordinances, resolutions).
- Non-action items. Non-action items include discussions, public hearings, and any other items not requiring action.
- Announcements. The city manager, mayor, and council members may offer comments regarding City business and/or bring to the attention of the public upcoming events of interest. The Clerk shall briefly summarize items that are on the agenda for the next scheduled governing body meeting.
- Public comment.
- Adjournment.

5.4 Planning Department Agenda Items: Public hearings on zoning matters shall be conducted by the Planning Commission in accordance with state law. No additional public hearings shall be held by the governing body.

5.5 Public Comment:

(a) General public comment: Requests by members of the public to speak during the public comment portion of the meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Comments pertaining to personnel and litigation matters shall not be allowed. Further, public comment shall be limited to topics directly relevant to business of the governing body. Rules of decorum as provided in these rules will be observed.
(b) Public comment on an agenda item: Members of the public may comment concerning a specific agenda item at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by an affirmative vote of six (6) members of the governing body.

(c) Members of the public desiring to comment must notify the City Clerk by 5:00 p.m. on the day of the governing body meeting or sign up at the meeting on or before 6 p.m. Members of the public will be limited to four (4) minutes unless the governing body, by majority vote, extends the limitation. Debate, question/answer dialogue or discussion with governing body members will not be counted towards the four (4) minute time limitation. The requirement to notify the City Clerk will not apply to public hearings required by any state or federal law.

5.6 Adjournment: Adjournment shall occur no later than the hour of 10:00 p.m. or as shall be announced by the chair at the conclusion of business. Meetings may be continued beyond the hour of 10:00 p.m. only when approved by a majority of members present.

6. RULES OF ORDER

6.1 Governing Procedure: "Roberts Rules of Order Revised" shall govern the proceedings, except as provided below and unless they are in conflict with these rules.

6.2 Motions: Generally speaking, actions shall be indicated by a vote of the members present at each meeting after motions have been made and seconded. Except as otherwise provided by ordinance, statute or these rules, the following rules shall apply to motions:

(a) "To Defer". Consideration of any ordinance, resolution or other matter on a meeting agenda may be deferred for up to six (6) months. The deferral date may be amended by the approval of a motion establishing a new date for consideration of the item. The new date for consideration shall be no sooner than the next governing body meeting following approval of the motion.

(b) "To Refer". Such action shall be appropriate in connection with investigation and report (e.g. refer a matter to a committee).

(c) "To Strike". This motion may be used to remove an item from the agenda without prejudice to said item so that it may be returned to the agenda at any later date in accordance with established procedure.
(d) To Dispose of a Matter with Affirmative or Negative Action. In order to dispose of a matter with affirmative or negative action, the following motions shall be in order:

1. "To approve": -Aa specific recommendation or proposal.
2. "To disapprove": Aa specific recommendation or proposal.
3. "To request": -Aa specific action.
4. "To direct": -Aa specific action.

(e) To Amend a Motion. The purpose of a motion to amend is to retain the original motion but with a few changes accomplished by deleting or adding verbiage. Treatment of amendments will depend upon timing. More specifically:

1. After a motion has been made and seconded, but before the Chair states the motion — any suggested modifications will require the consent of the two individuals who made and seconded the motion.
2. After the Chair states the motion — members of the governing body may propose amendments without such consent.

An amendment to a motion cannot be amended.

(f) To Substitute a Motion. The purpose of a substitute motion is to offer a different approach to the subject matter. It is different from a motion to amend because a motion to amend seeks to retain the original motion with a few changes (usually accomplished by deleting or adding verbiage). Substitute motions cannot be used for purposes of confusing the issue and cannot be contrary to the original motion.

A motion "to substitute" shall be in order providing that the substitute motion shall be made immediately after the original motion has been made and seconded and before a vote has been taken. Substitute motions shall be made only once and shall be debatable providing the original motion was a debatable motion.

(g) To Reconsider a Motion/Item. Except as provided below, an item previously acted upon may not be reconsidered until six (6) months has elapsed since the previous action. This limitation shall apply to any matter upon which a vote was taken, including the...
consideration of ordinances or resolutions which repeal, in their entirety, previously adopted ordinances or resolutions. These limitations on reconsideration shall not apply to the following:

(1) A motion to reconsider the matter that is adopted during the same meeting as the initial action.

(2) Reconsideration is needed to correct a typographical or legal error in the original item, or if the new item amends or differs in a substantive manner from the previously adopted or considered item.

(3) Reconsideration is otherwise allowed by statute or law.

(h) **To Suspend a Rule:** In order to temporarily suspend any particular rule for a particular purpose not contrary to statute or city ordinance, a motion "to suspend" a rule shall be in order.

Suspension of a rule shall be approved by a two thirds (2/3rds) majority of the governing body, shall take effect for the particular rule in question and shall not be considered as a permanent suspension of a rule.

(i) **To Adjourn a Meeting:** When it appears that there is no further business, the chair may adjourn the meeting. Alternatively, a motion "to adjourn" shall be in order providing such motion is made at the ordinary or usual conclusion of business on the agenda and providing that motions to adjourn shall not be used to embarrass, to harass, to foreclose discussion and debate, or for any other purpose other than the orderly termination of proceedings at such times as may be appropriate in each particular meeting.

(j) **Calling the Question:** A call for the question, if seconded, shall immediately end all debate and discussion, and if passed by two thirds (2/3rds) vote, the current motion must be voted on without delay; provided however, that the call of the question shall not be implemented until all members of the governing body have had an opportunity to speak to the current motion. After the formal vote has been taken, all further discussion of the matter shall cease unless appropriate affirmative action follows to place the matter again for reconsideration.
7. **ORDINANCES AND RESOLUTIONS**

7.1 Preparation of Ordinances and Resolutions:

(a) Ordinances and resolutions shall be prepared by the city attorney or designee upon request by the city manager. In keeping with TMC Section A2-28(c) which prohibits governing body members from giving orders to staff, any requests by members of the governing body for preparation of ordinances or resolutions shall be directed to the city manager.

(b) All ordinances and resolutions shall address fiscal impacts, if any, and identify funding sources.

7.2 Consideration of Ordinances and Resolutions:

(a) Recording of Votes: All votes shall be reported in the minutes.

(b) Manner of Voting. When any vote is called, each member shall indicate the member’s vote or abstention by voice or by utilizing a device that displays the vote or abstention. No member shall vote in absentia. A member must be physically present at the time a vote is called in order for the member to vote.

(c) Notice. No action shall be taken on any ordinance or resolution unless the item has been provided to the governing body at least five days prior to a meeting. This restriction shall not apply to ordinances or resolutions that (1) have no administrative impact; and (2) no fiscal impact greater than $5,000.00.

7.3 Numbering Ordinances and Resolutions: Upon passage, a number shall be assigned to each ordinance or resolution by the city clerk.

8. **COMMITTEES**

8.1 Purpose: The orderly and timely transactions of the city government shall be better served by having in place a committee framework whereby resolution of certain issues may be developed prior to consideration by the governing body. The committee framework shall include the use of standing committees and special committees.

8.2 Standing Committees:

(a) The governing body shall have the following four (4) standing committees, each comprised of three (3) members of the council:
• Policy and Finance.
• Economic and Community Development.
• Public Health and Safety.
• Transient Guest Tax.

(b) Appointment. The deputy mayor shall appoint the members of the standing committees. Appointments shall be made by the first meeting in February. Each councilmember shall fill out a committee preference list for a standing committee and the deputy mayor shall make every effort to appoint councilmembers to the committee of their choice.

(c) Term. Councilmembers shall serve on their assigned committees for a one (1) year term. Councilmembers who wish to change committee assignments may do so with permission of the deputy mayor. Each standing committee shall elect the chair from among its members.

8.3 Special Committees:

(a) Special committees may be established when there is an issue that needs special focus and would be better handled outside standing committees. Special committees may be created by a majority vote of the governing body. Any proposition addressed to the establishment of a special committee must state tasks and the time period in which the committee should complete its assignment.

(b) The deputy mayor shall appoint the members of any special committee. The chair shall be designated by committee members.

8.4 Duties and Powers of Committees:

(a) It shall be the duty of the committees to act promptly and faithfully in all matters referred to them. This does not preclude standing committees from considering other matters within the scope of their duties.

(b) All committees shall have the power to hold hearings and request production of records relating to any subject within its jurisdiction. Standing committees may appoint subcommittees from their committee membership.

8.5 Procedure for Committee Items:

(a) Reference to Committee; Initiation by Committee.

GOVERNING BODY RULES OF PROCEDURE
Changes from the 8/19/16 Committee Meeting
For Presentation at the 8/30/16 Committee Meeting
Any item may be referred to a committee by a majority vote of the governing body.

The examination of any subject can be initiated by a committee chair or by majority vote of the committee.

Referred Item Action Deadline: Each item referred to a committee shall remain in that committee until the committee shall act upon it as provided for in subsection (c) or it is discharged from the committee’s consideration as provided for in subsection (d), or until passage of sixty (60) ninety (90) calendar days, whichever occurs first. The item shall thereafter be placed on an council agenda for action or for purposes of providing the committee chair the opportunity to provide an update regarding the committee’s progress.

Committee Action:

Recommendation. A committee may take any of the following actions:

1. Recommend approval of the item.
2. Recommend approval, with amendments.
3. Recommend that the item not be approved.
4. Make no recommendation (no second means no recommendation).

Placement on Governing Body Meeting Agenda. An item referred to and considered by a committee shall be placed on a governing body agenda and the chairperson or designee shall report to the governing body.

An item referred to and considered by a committee pursuant to section 8.5(a)(1) shall be placed on a governing body agenda and the chairperson or designee shall report to the governing body.

An item initiated and considered by a committee pursuant to section 8.5(a)(2) may be placed on a governing body agenda and the chairperson or designee may report to the governing body.

Discharge from Committee:
(1) The governing body may determine whether a committee should be discharged from further consideration of an item provided that at least 30 days have passed since the item was referred to the committee.

(2) If a majority of the governing body votes in the affirmative to discharge the committee, the governing body may then determine whether the item should be committed to any other committee or addressed by the governing body.

8.6 Quorum: In order to meet and take action, a majority of the committee members must be present.

8.7 Alternate Members of Committees: If a member of a committee cannot be present at a meeting, an alternate council member may be appointed to serve at that meeting, with full voting rights. The alternate shall be appointed by one of the following individuals, listed in order of priority:

(a) The absent committee member.
(b) The committee chair.
(c) The deputy mayor.

8.8 Committee Meeting Times: Each committee shall meet as needed. Meetings may be called by the committee chair or by action of the committee. The city manager shall be notified of committee meetings at least twenty-four (24) hours in advance of any meeting. Any request for resource staff will be included in the notification. Council staff shall notify the city clerk of the time, place, and agenda at least twenty-four (24) hours in advance of the meeting. The city clerk shall post the notification to the city web site upon notification by Council staff.

8.9 Agenda Preparation: The chair shall be responsible for establishing the agenda for each committee meeting. Members desiring an item to be placed on the agenda should contact the chair directly or through the council staff.

8.10 Minutes: Minutes shall be kept of each meeting. Minutes are defined as an overview of the proceedings, to include those in attendance, a brief summary of the issues discussed and a record of the action(s) taken (including the result of any vote(s) taken). Minutes shall be reviewed and approved by the committee at the next meeting. However, in the event that the committee will not meet again before February, when new committee members are appointed, within the next thirty (30) days, the chairperson may approve the minutes if there are no objections or
changes from other committee members. In the event of objections or changes, the committee shall meet to discuss and take action.

8.11 Public Comment: Public comment may be allowed on any matter on a committee agenda, at the discretion of the chairperson. All rules of decorum and conduct for comment established by these Rules and Procedures shall be applicable to public speakers.

8.12 Committee Expenses: No committee shall incur any expense without having been authorized by a vote of a majority of the governing body.

8.13 Rules: These Rules and Procedures shall apply to committees unless inconsistent with this section.

8.14 Television Coverage: Except as otherwise provided, the public portions of any committee meeting shall be televised, subject to budget constraints or technical difficulties.

9. CITIZEN INPUT

9.1 Manner of Addressing the Governing Body: Each person shall step up to the microphone and shall state his or her name in an audible tone or voice for the record. All remarks shall be addressed to the governing body and not to any member thereof. No person, other than members of the governing body and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members. Any questions asked by the person having the floor or by members shall be allowed at the sole discretion of the meeting chair.

9.2 Personal and Slanderous Remarks: The following will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, or speeches so disruptive of council proceedings that the legislative process is substantially interrupted. Any individual engaging in this type of behavior will be warned once by the chair and if the behavior continues, the speaker will be ordered to leave the podium. If necessary, the speaker will be escorted to a seat in the council chambers, or escorted from the chambers if such person persists in interfering with the ability of the council to reasonably carry out council functions.

9.3 Communication with the Governing Body. Nothing in these Rules and Procedures shall be construed to limit a person’s ability to contact members of the governing body.
10. SUSPENSION AND AMENDMENT OF RULES

10.1 Suspension of These Rules: Any provision of these rules not governed by the city charter or city code may be temporarily suspended by a two thirds (2/3rds) vote of the governing body. The vote on any such suspension shall be included in the record.

10.2 Amendment of These Rules: These rules may be amended, or new rules adopted, by a majority vote of the governing body, provided that the proposed amendments or new rules shall have been considered at a governing body meeting.
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1. Print your name clearly and mark the item(s) you would like to speak under.
2. Reference attached Council Agenda for corresponding agenda items.

September 13, 2016
Topkea City Council Meeting Sign Up Sheet
Serve in absence or temporary disability of Mayor
Chair Budget Committee (May-July)
Chair Strategic Planning Committee (as convened)
Chair Committee of the Whole – Meetings and Events
   City Manager
      Hiring (as needed)
      Supervision (lead, ongoing, in conjunction with Mayor)
      Annual Review (Oct-Dec)
      Annual Goals and Objectives (Dec, qtrly reviews)
   Council Assistant
      Hiring (as needed)
      Supervision (lead, ongoing, periodic goal review)
      Annual Review (August)
   Council Business
      New Member Orientation (Jan, alt years and as needed)
      Annual Retreat (Feb)
      Council Departmental Budget Preparation (April, May)
      Council Committee and other Appointments (by Feb 1; by May 1 in 2016)
      Council Committee and other Appointment Replacements (as needed)
      Council Rules and Roles leadership (as needed)
      Council appointments to County Parks and Rec Advisory Board (by July 1)
      Annual Meeting Calendar proposal (Fall)
      Legislative Agenda topic introduction (Fall)
   Appoints Council Chaplain (by Feb 1; by May 1 in 2016)
   Serves on JEDO
   Serves on Health Care Advisory Committee (or designee) (appt by Feb 1; by May 1 in 2016)

These roles, to date, have been assigned by the Charter Ordinance, by Council Rules, by other sections of the Topeka Municipal Code and by custom.
RESOLUTION NO. 7458

A RESOLUTION introduced by Councilmember Lisa Stubbs relating to the establishment of an unpaid volunteer position of Chaplain to the City Council.

WHEREAS, it is a chaplain's role to provide non-denominational, support as well as crisis intervention, counseling, and guidance to those in need; and

WHEREAS, workplace stress is at its highest level in decades. Chaplaincy provides privileged communication which is helpful in seeking clarity in tense situations; and

WHEREAS, providing a chaplain to assist the City Council through stressful times is one more resource the City can utilize to reach out with concern to its employees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that an unpaid volunteer position of Chaplain to the City Council be established to provide the following services:

1. Participate in Council work sessions at least once a month to become familiar with the issues.

2. Visit City Council office every other week to check in on and be available for consultation with the City Council.

3. Provide intervention in times of crisis for the City Council.

4. Share his/her point of view in private consultation.

BE IT FURTHER RESOLVED that any type of public advocacy on the part of the chaplain relating to issues before the City Council shall be prohibited.

VYRES/CHAPLAIN
04/23/04
BE IT FURTHER RESOLVED that the Chaplain shall be appointed by the Deputy Mayor on May 1 of each year.

ADOPTED and APPROVED by the City Council APR 2, 0 2004

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 4/23/04 BY
RESOLUTION NO. 8044

A RESOLUTION introduced by Councilmember Jack Woelfel establishing a schedule for the annual adoption of a legislative agenda.

WHEREAS, the Kansas legislature, from time to time, considers legislation that could impact the City of Topeka; and

WHEREAS, the City Council desires to inform the legislature of the Council's support or opposition to such legislation; and

WHEREAS, the City has engaged the services of a professional lobbyist to assist the City in communicating to the legislature the Council's position on legislation; and

WHEREAS, it is necessary for the City Council to establish a legislative agenda and to provide that agenda to City's lobbyist in a timely fashion.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that the Deputy Mayor shall by October 1 of each year provide the City Council a list of possible topics for a legislative agenda.

BE IT FURTHER RESOLVED that the City Council shall by November 15 of each year adopt a resolution establishing a legislative agenda for the next session of the Kansas legislature.

ADOPTED and APPROVED by the City Council March 25, 2008

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

BRES/Legis Agenda Schedule 3/7/08