ORDERANCE NO. 17808

AN ORDINANCE introduced by Councilmembers Duane Pomeroy, Clark Duffy, and Gary Price, sitting as the Economic Development Committee, relating to the Topeka Public Building Commission, pursuant to and in accordance with the provisions of K.S.A. 12-1757, et seq., amending § 26-66, Created, § 26-67, Members, and § 26-68, Functions, and repealing said original sections.

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

Section 1 City of Topeka Code § 26-66, Created, is hereby amended to read as follows:

Created.

(a) That in accordance with the provisions of K.S.A. 12-1757, et seq. (the “Act”), the Act a public building commission to be known as the Topeka Public Building Commission (the “commission”) be, and the same is hereby, created.

(b) The commission shall have all the powers and authority granted to public building commissions under the Act, not inconsistent with the provisions contained herein.

Section 2 City of Topeka Code § 26-67, Members, is hereby amended to read as follows:

Members.

That the commission shall be composed of five regular members. The members shall be appointed by the mayor of the city with the approval of the city council. The secretary of administration of the state shall sit as a member of the commission where the commission will provide for a building or for equipment which will house offices or will furnish equipment to agencies of the state. Members of the commission shall serve
for a term of four years not to exceed two terms. Members shall serve until a successor
is appointed and qualified. In the case of the death, incapacity, resignation or
disqualification of any member of the commission, the mayor of the city shall appoint
with the approval of the city council a new member for the unexpired term of the
deceased, incapacitated, resigned or disqualified member. The members of the
commission shall serve without compensation, but may be reimbursed for expenses
actually incurred in the performance of their duties as members of the commission.

The commission shall be comprised of seven (7) members. The commission
shall be appointed as follows:

(1) One (1) member shall be appointed by the mayor of the city with the
approval of the city council. Such member shall serve at the pleasure of the mayor and
shall be the chairperson of the commission:

(2) Six (6) members shall be appointed by the mayor of the city with the
approval of the city council for terms of four (4) years. Of the members appointed under
this provision, one (1) shall be a representative of the secretary of administration of the
State of Kansas, one (1) shall be a representative of the governing body of Shawnee
County, and one (1) shall be a representative of the governing body of unified school
district no. 501. The member who is the representative of the secretary of
administration shall be appointed from three (3) nominations submitted by the secretary
of administration. The member who is the representative of the governing body of
Shawnee County shall be appointed from three (3) nominations submitted by the
governing body of Shawnee County. The member who is the representative of unified
school district no. 501 shall be appointed from three (3) nominations submitted by the
governing body of unified school district no. 501. The four (4) members appointed
directly by the Mayor shall be residents of the City of Topeka. The initial term of the
members appointed pursuant to this ordinance shall begin with the expiration of the
term of the members appointed pursuant to Topeka City Code § 22-67, which date is
March 3, 2002. The initial term of the three (3) members appointed from the list of
nominations shall expire on May 1, 2003. The initial term of the remaining three (3)
members shall expire on May 1, 2005. In the case of the death, incapacity, resignation
or disqualification of any member of the commission, the mayor of the city shall appoint
with the approval of the city council a new member for the unexpired term of the
deceased, incapacitated, resigned or disqualified member in accordance with the
provisions of this section. The members of the commission shall serve without
compensation.

Section 3. City of Topeka Code § 26-68, Functions, is hereby amended to
read as follows:

Functions.

That the commission shall be authorized to perform the following functions
pursuant and subject to power and authority granted or contained herein under authority
granted by the Act.

(a) To acquire a site or sites within the area bounded by Topeka Boulevard on
the west, I-70 on the east, 15th Street on the south, and the Kansas River on the north
for constructing, reconstructing, equipping and furnishing a building or buildings or other
facilities, including the designs and engineering thereof, of a revenue-producing
character, including parking facilities, and, in addition, to acquire and install equipment
of a revenue-producing character. The commission is to provide facilities of a revenue-
producing character to house offices or agencies of the State of Kansas, city, county, or
a school district. The commission may also provide parking facilities for offices of state
and federal agencies as authorized by the City of Topeka City Council. Such building or
buildings, facilities or equipment shall be maintained and operated for the affairs of the
city, or any federal, state, state university, city school district, municipal corporation,
quasi-municipal corporation, political subdivision, or body politic, or agency thereof,
doing business, maintaining an office, or rendering a public service within the city
("governmental agencies");

The commission shall require that wages paid to workers, laborers, and
mechanics employed by a contractor or subcontractor on these construction and
reconstruction projects be not less than the current prevailing per diem wage rate. The
requirement that prevailing wages be paid shall be interpreted as though synonymous
with required wages and benefits paid in Shawnee County to the greater number of
workers, laborers, and mechanics in the same trade, occupation or work of a similar
nature during the one year period before the start of the project.

(b) To adopt a seal;

(c) To acquire fee simple title to real estate, including easement and
reversionary interests in streets, alleys and other public places and personal property
required for its purposes, by purchase, gift, devise or by the exercise of the power of
eminent domain, and to take title in the corporate name of the commission;

(d) To rent all or any part of its buildings, facilities and/or equipment to any
governmental agencies and rent any space as may not be needed by such
governmental agencies or such buildings or other facilities as the commission may
determine will primarily serve the comfort and convenience of the occupants of its
buildings or other facilities;

(e) To issue revenue bonds of the commission after negotiation of a lease or
leases with one or more governmental agencies in complete, to provide funds for the
purpose of acquiring, designing, engineering, erecting, equipping, repairing, maintaining
and operating buildings and other facilities; to acquire sites necessary and convenient
therefor, and to acquire and install equipment to pay all costs and expenses incident
thereto, or to refund its outstanding bonds;

(f) To sue and be sued;

(g) To convey title to the governmental agencies to the equipment and/or land
and buildings thereof, for whose benefit the commission has held title, after the payment
of revenue bonds issued for the purpose of acquiring such equipment and/or land and
buildings thereof for the benefit of any such political subdivision. Conveyance may be
made of portions of the land as portions of the revenue bonds are paid or retired, or
provision is made for their payment to the deposit of a like amount of money.

(h) To do all things and acts necessary or incidental to the exercise of the
powers granted to it under this division and under K.S.A. 12-1757 et seq., as
amended, and consistent with the purposes established herein, including but not limited
to hiring and retaining staff support, legal representation, bond counsel, consultant,
developers and others as necessary for the performance of the functions and purposes
of the commission; and
(i) Under no circumstance shall any income of the commission inure to the benefit of any private person.

(ii) Any lease agreement entered into by the commission for a project under the provisions of the Act shall include a payment in lieu of taxes.

(iii) For administrative purposes, the Topeka Public Building Commission shall be located within the office of the chief administrative officer of the City of Topeka. The chief administrative officer shall provide or arrange to provide in accordance with all applicable City of Topeka procurement ordinances support on behalf of the Topeka Public Building Commission consistent with the purposes established herein, including but not limited to hiring and retaining support staff, legal representation, bond counsel, consultants, developers, and others as necessary for the performance of the functions and purposes of the commission. Any reasonable expenses to be incurred in providing services to the commission shall be reimbursed by the tenant of the commission, provided the expenses are approved in advance by the tenant. Such approval shall not unreasonably be withheld.

Section 4. That City of Topeka Code §§ 26-66, 26-67, and 26-68 are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after passage, approval and publication in the official City newspaper.
Passed and approved by the City Council

MAR 26 2002

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 3/27/02 BY BL
TO BE CODIFIED
NOT TO BE CODIFIED