(Published in the Topeka Metro News on April 2, 2003)

ORDINANCE NO. 17985

AN ORDINANCE introduced by Mayor Harry Felker relating to utilities, specifically, amending Chapter 146, Article 1, authorizing the creation of a combined water, water pollution control and stormwater utility of the City of Topeka, Kansas, repealing Topeka City Code §146-38, Combined water and water pollution control utility and amending Topeka City Code § 146-377 and repealing said original section.

WHEREAS, the City of Topeka, Kansas (the "City") owns and operates a combined water and water pollution control utility system (the "Water and WPC Utility") to treat, and distribute water to the patrons of the Water and WPC Utility and to collect, treat and dispose of wastewater sewerage of the citizens and residents of the City and its environs; and

WHEREAS, the City also owns and operates a stormwater utility system (the "Stormwater Utility") to collect, treat, store and dispose of stormwater for the citizens and residents of the City and its environs; and

WHEREAS, the operation of the City's Stormwater Utility is integrally related to the City's Water and WPC Utilities in that the residences and establishments served by the Water and WPC Utilities are also served by the Stormwater Utility; and

WHEREAS, the City Council of the City wishes, and has determined, to combine the City's Water and WPC Utility and Stormwater Utility into a single utility to, among other things, create a single revenue fund for such utility.

WHEREAS, it is hereby deemed advisable by the City Council of the City of Topeka to combine the Water and WPC Utility and the Stormwater Utility of the City into
a single utility to be known as the Water, Water Pollution Control and Stormwater Utility
of the City of Topeka, Kansas.

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

Section 1. City of Topeka Code Chapter 146, Article 1, is hereby amended by
the addition of the following language:

**Water, water pollution control, and stormwater utility.**

1. The City Council of the City of Topeka, Kansas hereby authorizes the
combination of the City's Water and WPC Utility and the City's Stormwater Utility into a
single utility to be known as the Water, Water Pollution Control, and Stormwater Utility
of the City of Topeka, Kansas.

2. The Chief Administrative Officer of the City is hereby authorized to take
such further actions as may be necessary to effectuate the creation of such Water,
Water Pollution Control, and Stormwater Utility herein authorized and the Mayor and
City Clerk are hereby authorized to execute any and all documents necessary to
effectuate such purpose.

3. The rates, fees, and charges of the water division, water pollution control
division, and stormwater division of the Water, Water Pollution Control, and Stormwater
Utility shall be set by the Governing Body to provide for the payment of the costs of
operating and maintaining such divisions of the Water, Water Pollution Control, and
Stormwater Utility and paying the principal of and interest on all bonds and other
obligations of the Water, Water Pollution Control, and Stormwater Utility in order that
such rates, fees, and charges of the water division, water pollution control division,
and/or stormwater division of the Water, Water Pollution Control, and Stormwater Utility
not be set or otherwise established so that the rates, fees, or charges of one such
division subsidize the other.

4. The revenues of the Water, Water Pollution Control, and Stormwater
Utility are hereby pledged to the payment of any revenue bonds or other obligations
issued or incurred by the City in connection with the City's Water, Water Pollution
Control, and Stormwater Utility.

Section 2. City of Topeka Code § 146-38, Water and water pollution control
utility is hereby repealed in its entirety:

Water and water pollution control utility.

(a) The City Council of the City of Topeka, Kansas hereby authorizes the
combination of the city's water utility and the city's water pollution control utility into a
single utility to be known as the Water and Water Pollution Control Utility of the City of
Topeka, Kansas.

(b) The chief administrative officer of the city is hereby authorized to take
such further actions as may be necessary to effectuate the creation of such water and
water pollution control utility herein authorized and the mayor and city clerk are hereby
authorized to execute any and all documents necessary to effectuate such purpose.

(c) The rates, fees and charges of the water division and water pollution
control division of the water and water pollution control utility shall be set by the
governing body to provide for the payment of the costs of operating and maintaining
such divisions of the water and water pollution control utility and paying the principal of
and interest on all bonds and other obligations of the water and water pollution control
utility in order that such rates, fees and charges of the water division and/or the water
pollution control division of the water and water pollution control utility not be set or
otherwise established so that the rates, fees or charges of one such division subsidize
the other.

(d) The revenues of the water and water pollution control utility are hereby
pledged to the payment of any revenue bonds or other obligations issued or incurred by
the city in connection with the city's water and water pollution control utility.

Section 3. City of Topeka Code § 146-377, Creation of stormwater utility is
hereby amended to read as follows:

Creation of stormwater utility Statement of Intent.

Pursuant to city Charter Ordinance No. 84, the city hereby establishes a
stormwater utility and The city declares its intention to be responsible for the operation,
construction, maintenance and repair of stormwater system facilities and for stormwater
system planning and management.

Section 6. That original of the City of Topeka Code §§ 146-38 and 146-377 is
hereby specifically repealed.

Section 7. This Ordinance shall take effect and be in force from and after its
passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the City Council on March 25, 2003.

ATTEST: Iris E. Walker, City Clerk

CITY OF TOPEKA, KANSAS

APPROVED AS TO FORM AND LEGALITY
DATE 2/20/03 BY
TO BE CODIFIED
NOT TO BE CODIFIED

VYORD/COMBINEDWATER 02/20/03