ORDINANCE NO. 18382


WHEREAS, effective April 12, 2005, the City of Topeka, pursuant to Charter Ordinance No. 94, adopted by the City Council on July 20, 2004, and approved by the electors of the city on November 2, 2004, will be governed by a city manager form of government; and

WHEREAS, the city manager form of government adopted pursuant to Charter Ordinance No. 94, Article V, Section 24, provides for the creation by the city council of operational, advisory, appellate, or rule-making boards and commissions and such commissioners and board members are to be appointed by the mayor from nominations submitted by the council.

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

Section 1. That City of Topeka Code § 2-181, Establishment, is hereby amended to read as follows:

Establishment.

The following nonstatutory boards, commissions and other plural authorities are hereby established and made a part of the administrative code of the city, as authorized by Charter Ordinance 65, § 4-4 (App. A, § A2-2) No. 94, § 24 in addition to those similar
bodies established and defined in other sections of the Code: Cereal Malt Beverage License Review Board (TCC 10-91); Human Relations Commission (TCC 86-27); Mobile Home Craftsmen Board of Examiners (TCC 98-211); Board of Electrical Appeals (TCC 26-236 et seq.); Board of Plumbing Examiners (TCC 26-236 et seq.); Board of Mechanical Examiners (TCC 26-236 et seq.); Building Conservation Advisory and Appeals Board (TCC 26-221); Board of Building and Fire Appeals (TCC 26-138); Board of Zoning Appeals (TCC 48-34.00 et seq.); Golf Course Advisory Board (TCC 102-51 et seq.); Parks and Recreation Advisory Board (TCC 102-196 et seq.); Redistricting Commission (TCC 2-198); Convention and Tourism Committee (TCC 2-199); Citizen Advisory Council (TCC 42-4); Civil Service Commission (TCC 106-41); Topeka Planning Commission (TCC 110-27); Boards of Trustees of Fire and Police Pension Funds (TCC 106-204); Administrative Review Board for Tax Exemptions (TCC 138-79). The mayor council is hereby authorized to promulgate appropriate rules and regulations for such boards, commissions and authorities dealing with their organization and operation. No city employee shall be appointed to any board, commission, or plural authority unless the appointment is specifically authorized by state statute or ordinance. Unless otherwise provided, all members appointed to any board, commission, or plural authority shall be residents of the city. The mayor shall notify council members thirty (30) days in advance of vacancies occurring on such bodies, shall solicit nominations from the council for filling such positions, and shall appoint members to such bodies from those nominated by the council. In the event no nominations are forthcoming, the mayor shall make such appointments as is in the best interest of or will best serve the mission of the board, commission, or authority. All appointments must be confirmed by the council. Unless otherwise provided for in this code, members will be
appointed for a term of two (2) years and shall not serve beyond the end of their
terms. Upon expiration of a term the position shall remain vacant until a successor is
appointed.

Section 2. That City of Topeka Code § 2-183, Downtown business improvement
district advisory board, is hereby repealed.

Downtown business improvement district advisory board.

(a) Purpose. The purpose of the downtown business improvement district
advisory board (BID) shall be to monitor and oversee services provided pursuant to the
business improvement district act. The board shall conduct its business in accordance with
City of Topeka Code section 42-30.

(b) Membership. The downtown business improvement district advisory board
shall consist of nine members, appointed by the mayor with the consent of the city council.
Members shall serve in accordance with Topeka City Code section 42-30 and without
compensation.

Section 3. That City of Topeka Code § 2-184, Board of cereal malt beverage
license review, is hereby repealed.

Board of cereal malt beverage license review.

(a) Purpose. The purpose of the board of cereal malt beverage license review is
to conduct hearings to determine if the city license of a retailer of cereal malt beverages
should be revoked or suspended for any one of the reasons set forth in Topeka City Code
section 10-91.
(b) Membership. The board of cereal malt beverage license review shall consist of three members appointed by the mayor for terms of three years as provided in Topeka City Code section 10-91.

Section 4. That City of Topeka Code § 2-185, Human relations commission, is hereby repealed.

Human relations commission.

(a) Purpose. The purpose of the human relations commission is to endeavor to eliminate prejudice among various racial, ethnic and other groups in the city and to further goodwill among all people of the city. The commission and each commissioner shall fulfill the duties and responsibilities as set forth in chapter 86 of the Code of the City of Topeka.

(b) Membership. The human relations commission shall consist of nine members. Each councilmember shall appoint one member from the city at large. Members of the commission shall serve two-year terms or until their appointing Councilmember is replaced, whichever is sooner. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Members shall be drawn from diverse racial, ethnic, commercial, industrial and other segments of the community and shall be citizens of Topeka. Members shall serve without compensation.

Section 5. That City of Topeka Code § 2-186, Mobile home craftsmen board of examiners, is hereby repealed.

Mobile home craftsmen board of examiners.

(a) Purpose. The purpose of the mobile home craftsmen board of examiners shall be to pass upon the qualifications of parties desiring licenses to perform the duties of
mobile home craftsmen. The board shall be empowered to hear and determine interpretations of applicable codes and to permit variances or waivers therefrom, provided such variances or waivers do not endanger life, limb, property or public welfare. The board shall conduct its business in accordance with chapter 98 of the Code of the City of Topeka.

(b) Membership. The board shall consist of five persons appointed by the mayor. Three members shall be engaged in the business of the plumbing, electrical and mechanical trade, respectively. Two members shall be engaged in the business of repair, installation or alteration of mobile homes or their components. Members shall be appointed for a term of one year. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Ex officio members of the board shall include the city plumbing inspector, mechanical inspector, and electrical inspector.

Section 6. That City of Topeka Code § 2-187, Board of electrical appeals, is hereby repealed.

Board of electrical appeals.

(a) Purpose. The purpose of the board of electrical appeals shall be to review applications and approve the issuance of licenses in accordance with chapter 26 of the Code of the City of Topeka. The board shall be empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances, or waivers therefrom, provided such exceptions, variances, or waivers meet the intent of the adopted code and do not endanger life, limb, property or public welfare. The board shall conduct its business in accordance with chapter 26 of the Code of the City of Topeka.
(b) Membership. The board shall be comprised of two licensed electrical masters, two licensed journeymen, and an engineer practicing in the trade. Members shall be appointed by the mayor and serve two-year terms. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.

Section 7. That City of Topeka Code § 2-188, Board of plumbing examiners, is hereby repealed.

Board of plumbing examiners.

(a) Purpose. The purpose of the board of plumbing examiners shall be to review applications and approve the issuance of licenses in accordance with chapter 26 of the Code of the City of Topeka and Charter Ordinance 38, § 2 (App. A, § A4-16). In addition, the board shall be empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances, or waivers therefrom, provided such exceptions, variances, or waivers meet the intent of the adopted code and do not endanger life, limb, property or public welfare. The board shall conduct its business in accordance with chapter 26 of the Code of the City of Topeka.

(b) Membership. The board shall be comprised of two licensed master plumbers, two licensed journeymen, and an engineer practicing in the trade. Members shall be appointed by the mayor and serve two-year terms. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.

Section 8. That City of Topeka Code § 2-189, Board of mechanical examiners, is hereby repealed.
Board of mechanical examiners.

(a) Purpose. The purpose of the board of mechanical examiners shall be to review applications and approve the issuance of licenses in accordance with chapter 26 of the Code of the City of Topeka. The board shall be empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances, or waivers therefrom, provided such exceptions, variances, or waivers meet the intent of the adopted code and do not endanger life, limb, property or public welfare. The board shall conduct its business in accordance with chapter 26 of the Code of the City of Topeka.

(b) Membership. The board shall be comprised of two masters licensed in the particular trade, one engineer or equivalent practicing in the particular trade, and two persons who shall be a licensed journeyman, licensed master, or an engineer practicing in the particular trade. Members shall be appointed by the mayor and serve two-year terms. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.

Section 9. That City of Topeka Code § 2-190, Building conservation advisory and appeals board, is hereby repealed.

Building conservation advisory and appeals board.

(a) Purpose. The purpose of the building conservation advisory and appeals board shall be to provide final interpretation of the provisions of uniform code for building conservation. The board shall conduct its business in accordance with sections 26-216 and 26-221 of the Code of the City of Topeka.

(b) Membership. The board shall consist of five members who are not city employees. The code enforcement director shall be an ex-officio member of and shall
serve as secretary to the board. Members shall be appointed by the council and hold office
for a term of two years. Members shall not serve beyond the end of their appointed
terms. Upon expiration of a term the position shall remain vacant until a successor is
appointed.

Section 10. That City of Topeka Code § 2-191, Board of building and fire appeals,
is hereby repealed.

Board of building and fire appeals.

(a) Purpose. The purpose of the board of building and fire appeals is to
determine the suitability of alternate materials, methods and types of construction, and the
board has the power to permit exceptions, variances or waivers from the Code that meet
the intent of the adopted code and will not endanger life, limb, health, property or public
welfare. The board of building and fire appeals shall conduct business in accordance with
City of Topeka Code section 26-138.

(b) Membership. The board of building and fire appeals shall consist of seven
members, six appointed by the mayor and one councilmember appointed by the council.
The appointed members shall include two licensed engineers, two licensed architects, a
general contractor, and a person regularly employed in the building trades. Members shall
serve two year terms as authorized by City of Topeka Code section 26-138. No member
may be appointed to successive terms and no member may be succeeded by a partner or
business associate. Members shall not serve beyond the end of their appointed terms.
Upon expiration of a term the position shall remain vacant until a successor is appointed.
Ex officio nonvoting members shall include the city attorney, fire marshal and building code
enforcement director.
Section 11. That City of Topeka Code § 2-192, Topeka board of zoning appeals is hereby repealed.

Topeka board of zoning appeals.

(a) Purpose. The purpose of the Topeka board of zoning appeals is to administer the details of appeals from or other matters referred to it regarding the application of the zoning regulations of the city. The Topeka board of zoning appeals shall have the power to hear and determine appeals where it is alleged there is error in any order, requirement, decision or determination made by an administration official in the enforcement of the zoning regulations. The Topeka board of zoning appeals may grant exceptions to the zoning regulations or variances in accordance with the procedures set forth in the Comprehensive Zoning Regulations as codified at City of Topeka Code § 48-34.00 et seq.

The Topeka board of zoning appeals may also hear appeals of the sign ordinances. The board of zoning appeals shall conduct business in accordance with the Comprehensive Zoning Regulations as codified at City of Topeka Code § 48-34.00 et seq.

(b) Membership. The Topeka board of zoning appeals shall consist of seven (7) members appointed by the mayor. None of the members shall hold any other public office by the city except that two (2) members may be members of the Topeka Planning Commission. The appointees made by the board of commissioners members shall reside inside the corporate area of the City of Topeka.

Section 12. That City of Topeka Code § 2-193, Golf course advisory board, is hereby repealed.

Golf course advisory board.

(a) Purpose. The golf course advisory board shall advise the city officials in all
matters concerning the operation of the public golf courses. The advisory board may make recommendations and the board shall operate in accordance with Topeka City Code sections 102-196 through 102-203.

(b) **Membership.** The golf course advisory board shall consist of five members and three ex officio members. The five members shall be appointed as follows: one board member shall be appointed by the mayor; one board member shall be chosen by the members of the men's club of the public golf course; one board member shall be chosen by the women's club of the public golf course; and two board members shall be appointed by the golfers at large at the annual board meeting. All members shall serve for a term of two years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The following shall be ex officio members of the advisory board: the director of the department of parks and recreation or designee, the golf professional, and the golf course superintendent.

Section 13. That City of Topeka Code § 2-194, Parks and recreation advisory board, is hereby repealed.

Parks and recreation advisory board.

(a) **Purpose.** The purpose of the parks and recreation advisory board is to make recommendations to the city council on major proposals and propositions for construction, reconstruction and improvements of public parks and recreational facilities. The board shall conduct business in accordance with Topeka City Code section 102-58.

(b) **Membership.** The park and recreation advisory board shall consist of nine members. Four members shall be appointed by the mayor, two members by the governing
body of Unified School District No. 501, one member by the governing body of Unified
School District No. 450, one member by the governing body of Unified School District No.
345, and one member by the governing body of the Unified School District No. 437.
Members shall serve a four-year term as provided in City of Topeka Code section 102-54. Members shall not serve beyond the end of their appointed terms. Upon expiration of a
term the position shall remain vacant until a successor is appointed. Members must be
residents of the city and shall serve without compensation. Removal and vacancies shall
be in accordance with Topeka City Code sections 102-56 and 102-57.

Section 14. That City of Topeka Code § 2-195, Topeka housing authority advisory
board, is hereby repealed.

Topeka housing authority advisory board.

(a) Purpose. The Topeka housing authority exists pursuant to Resolution No.
5598. The purpose of the advisory board is to plan and study the public housing needs of
the city and to make recommendations to city officials.

(b) Membership. The board shall consist of five members appointed by the
mayor. Members shall serve four-year terms or until a successor is appointed. Members
shall serve without compensation.

Section 15. That City of Topeka Code § 2-196, Jayhawk area agency on aging, is
hereby repealed.

Jayhawk area agency on aging.

(a) Purpose. The Jayhawk area agency on aging is funded under the Older
Americans Act and the state department of aging to be the administrative agency for funds
for elderly persons in Jefferson, Douglas and Shawnee Counties.
(b) **Membership.** The Jayhawk area agency on aging shall consist of eight members appointed by Shawnee, Douglas and Jefferson Counties; one member to be appointed by the City of Lawrence and two members to be appointed by the mayor of the City of Topeka. The terms of members of the agency are for two years.

**Section 16.** That City of Topeka Code § 2-197, Mayor's commission on literacy, is hereby repealed.

**Mayor's commission on literacy.**

(a) **Purpose.** The purpose of the mayor's commission on literacy shall be to develop and implement an action agenda to eliminate illiteracy in the city. The commission shall serve as a clearinghouse for local programs and initiatives that teach basic skills; help establish community partnerships to promote a cooperative effort to eliminate illiteracy; recognize the work and dedication of those who assist in the elimination of illiteracy in the community; and make an annual report to city officials on yearly activities.

(b) **Membership.** The commission on literacy shall consist of between 15 and 20 members appointed by the mayor. Members shall represent local business, labor, education, library science, government, community agencies, media and communications, and the community at large. Members shall serve a two year term. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Original appointments shall be staggered so that half of the members' terms expire in one year and the remaining terms expire in two years. Members shall serve without compensation.

**Section 17.** That City of Topeka Code § 2-198, Redistricting commission, is hereby amended to read as follows:
Redistricting commission.

(a) **Appointment procedure.** The following procedures shall be and they are hereby adopted to be followed by the city council in its appointment of a commission to redistrict the city pursuant to the authority granted by Charter Ordinance 65, § 2.3 (App. A, § A2-18) No. 94, §9 following territorial annexations by the city, and these procedures shall apply as well to the appointment of such a commission in July 1992 2012, and every tenth year thereafter, or as otherwise needed.

(b) **Membership.** The redistricting commission shall consist of nine members who shall be registered voters, one member being appointed from each district by the councilmember from that district. Councilmembers shall not serve as members of the commission.

(c) **Procedures for revising and reestablishing district boundary lines.** The following procedures shall be followed by the redistricting commission in its revision and reestablishment of the district boundary lines:

1. The commission shall follow and adhere to the provisions of subsections (c) and (d) of Charter Ordinance 65, § 2.3 (App. A, § A2-18) No. 94, §9 in its determination and designation of new district boundary lines.

2. To assist in its consideration of new district boundary lines, the commission, once established, shall hold a public meeting as soon thereafter as possible to receive the comments and input of interested citizens. The city clerk shall serve as temporary chairperson at the first meeting of the commission, at which time a permanent chairperson shall be chosen. The procedure for establishing district boundary lines shall be discussed at the
first meeting of the commission.

(3) Upon the completion of its consideration of proposed district boundary line changes, the commission shall recommend any suggested revisions of such boundary lines to the city council for its consideration. After it has submitted its recommendations and responded to council inquiries, the commission shall cease to exist. Any expenses for material and supplies incurred by the commission will be defrayed from the council budget, and city staff shall be available to assist the commission as needed.

Section 18. That City of Topeka Code § 2-221, Establishment, is hereby amended to read as follows:

Establishment.

The following boards and authorities are authorized by the statutes of the State of Kansas and are hereby established pursuant to the authority granted therein: Topeka and Shawnee County library district board of trustees (TCC 2-222); Washburn University of Topeka and the board of regents (TCC 2-223); Topeka Metropolitan transit authority (TCC 2-224); Metropolitan Topeka airport authority (TCC 2-225); Jayhawk area agency on aging (TCC Chapter 2, Division 2); Topeka housing authority board (TCC Chapter 2, Division 2); Public building commission (TCC 26-67); Downtown business improvement district advisory board (TCC 42-39).

Section 19. That City of Topeka Code Chapter 2, Division 2, Statutory Boards, Commission, and Municipal University, is hereby amended to read as follows:

DIVISION 2.

STATUTORY BOARDS, COMMISSIONS, AND MUNICIPAL UNIVERSITY PLURAL
AUTHORITIES

Section 20. That City of Topeka Code Chapter 2, Division 2, Statutory Boards, Commission, and Plural Authorities, is hereby amended by the addition of the following language:

Jayhawk area agency on aging.

(a) Purpose. The Jayhawk area agency on aging is funded under the Older Americans Act and the state department of aging to be the administrative agency for funds for elderly persons in Jefferson, Douglas and Shawnee Counties, pursuant to K.S.A. 75-5926 et seq.

(b) Membership. The Jayhawk area agency on aging shall consist of eight members appointed by Shawnee, Douglas and Jefferson Counties; one member to be appointed by the City of Lawrence and two members to be appointed by the mayor of the City of Topeka. The terms of members of the agency are for two years.

Section 21. That City of Topeka Code Chapter 2, Division 2, Statutory Boards, Commission, and Plural Authorities, is hereby amended by the addition of the following language:

Topeka housing authority board.

(a) Purpose. The Topeka housing authority exists pursuant to Resolution No. 7104 under the authority of K.S.A. 17-2341. The purpose of the board is to plan and study the public housing needs of the city and to be the governing board of the authority.

(b) Membership. The board shall consist of five members appointed by the mayor, at least one of whom shall be a client of the authority. Members shall serve four year terms or until a successor is appointed. Members shall serve without compensation.
Section 22. That City of Topeka Code § 26-67, Members, is hereby amended to read as follows:

Members.

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

(1) One 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 members shall be appointed by the mayor of the city with the approval of the city council for terms of four years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Of the members appointed under this provision, one shall be a representative of the secretary of administration of the State of Kansas, one shall be a representative of the governing body of Shawnee County, and one 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 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 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 nominations submitted by the governing body of Unified School District No. 501. The four members
appointed directly by the mayor shall be residents of the city. The initial term
of the members appointed pursuant to this division shall begin with the
expiration of the term of the members appointed pursuant to Topeka City
Code section 22-67, which date is March 3, 2002. The initial term of the three
members appointed from the list of nominations shall expire on May 1, 2003.
The initial term of the remaining three 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 23. That 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
colorature 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.

(i) 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.

(j) For administrative purposes, the Topeka Public Building Commission shall be located within the office of the chief administrative officer city manager of the city. The chief administrative officer city manager 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 24. That City of Topeka Code § 26-138, Section 105.1, board of appeals, is hereby amended to read as follows:

Section 105.1, board of appeals Board of building and fire appeals.

Section 105.1 shall be amended to read:

Sec. 105.1. Board of appeals.

(1) There is hereby created a board of building and fire appeals consisting of seven members, six of whom shall be appointed by the mayor, and one councilmember appointed and confirmed by the council. The six members of the board shall include two engineers, two architects licensed by the state board of technical professions, a general contractor and a person regularly employed in the building trades. Members shall serve a two-year term. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The city attorney, fire marshal and code enforcement director or their designees shall serve as nonvoting ex officio members of the board. The code enforcement director or his designee shall serve also as secretary of the board. Copies of current adopted codes will be made available to board members.
(2) The board of building and fire appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the code enforcement director and the fire chief with a duplicate copy to the appellant.

(3) The board of building and fire appeals shall determine the suitability of alternate materials, methods and type of construction and provide for reasonable interpretations of the provisions of the Uniform Building Code, Uniform Code for Building Conservation, the Uniform Fire Code and the Life Safety Code, as adopted by the council. The board shall be empowered to hear and determine interpretations of the codes and to permit variances from the code provisions in certain cases or situations in accordance with the purposes and intents of the code. A variance shall not be granted except in those situations, as determined by the board, that will not endanger life or limb, health, property or public welfare. Where a variance is sought with respect to a structure registered, or eligible for registration, with either the National Register of Historic Places or the Register of Historic Kansas Places, or listed with the Kansas State Inventory of Historical Sites, the board shall specifically consider the structure's historic significance in reaching its decision, exerting an affirmative effort to preserve the structure's quality in effecting any necessary changes. Pursuant to this goal, the board shall request the opinion of the director of the historic preservation department of the state historical society.

(4) An exception, variance or waiver relating to the Uniform Building Code may be vetoed by the code enforcement director. An exception, variance or waiver relating to the Uniform Fire Code may be vetoed by the fire chief. Requests for exceptions, variances or waivers which have been denied and matters vetoed may be appealed to the council by
filing within ten days of the effective date of the denial or veto, in writing, with the city clerk, a request for a hearing before the council. Within five days of the receipt of this request for a hearing, the council shall give notice of a public hearing to be held in not less than five days nor more than ten days after service of the notice on the person requesting the hearing.

(5) The board of building and fire appeals may request other boards and commissions of the city, including the board of examiners of electricians and the board of plumbing examiners, to provide technical assistance and recommendations. In addition, the board shall require substantiating data or tests to determine the suitability and feasibility of allowing the variance requested by the applicant.

(6) The person requesting the variance relating to the Uniform Building Code shall at such person's expense conduct tests and have these tests verified showing that the variance requested will not endanger life or limb, health, property or public welfare. Such tests shall have been conducted before the hearing unless the board asks for additional testing pertaining to relevant circumstances that may affect the decision made by the board.

(7) A filing fee of $100.00 shall be paid in advance by any party appealing to the board.

Section 25. That City of Topeka Code § 26-221, building conservation advisory appeals board, is hereby amended to read as follows:

Section 207, b Building conservation advisory appeals board.

Section 207 is hereby amended to read as follows:
In order to provide for final interpretation of the provisions of this code and to hear appeals provided for hereunder, there is hereby established a building conservation advisory and appeals board consisting of seven members who are not employees of the jurisdiction. The code enforcement director of development services division shall be an ex officio member of and shall act as secretary to said board. The board shall be appointed by the mayor and confirmed by the council and shall hold office for a term of two years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The board shall adopt reasonable rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the code enforcement director of development services division. Copies of all rules of procedure adopted by the board shall be delivered to the code enforcement director of development services division who shall make them freely accessible to the public.

Section 26. That City of Topeka Code § 26-236, Boards for each trade created, is hereby amended to read as follows:

**Boards for each trade created.**

There is hereby created a board for each of the licensed trades: Board of electrical appeals, Board of plumbing examiners, and Board of mechanical examiners. Such boards shall be comprised of two masters licensed in the particular trade, two journeymen licensed in the particular trade, and an engineer, or equivalent, practicing in the particular trade, appointed by the mayor. For the purpose of the mechanical trade only the board shall be comprised of two masters licensed in the particular trade; one engineer or equivalent, practicing in the particular trade; and two persons who shall be a licensed journeyman,
licensed master, or an engineer practicing in the particular trade; all of which shall be
appointed by the mayor.

The purpose of the boards shall be to review applications and approve the issuance
of licenses in accordance with chapter 26 of the Code of the City of Topeka. The board
shall be empowered to hear and determine interpretations of applicable codes and to
permit exceptions, variances, or waivers therefrom, provided such exceptions, variances,
or waivers meet the intent of the adopted code and do not endanger life, limb, property or
public welfare. The boards shall conduct their business in accordance with chapter 26 of
the Code of the City of Topeka.

Section 27. That City of Topeka Code § 42-4, Citizen advisory council, is hereby
amended to read as follows:

Citizen advisory council.

4. There is hereby established a citizen advisory council (CAC) consisting of
persons representing broad community interests. The CAC will provide recommendations
to the department of housing and neighborhood development (HND) on issues described
in the CAC bylaws. The CAC shall consist of one (1) member elected by each certified
neighborhood improvement association (NIA) and three at-large members. The NIA
representatives must be eligible voting members of the NIA they represent. The NIA
representative members will have three (3) year terms. No person can be the NIA
representative on the CAC for more than two (2) consecutive terms. NIA representatives
to the CAC shall be elected at NIA annual meetings. An NIA may also elect an alternate
CAC representative who may represent the NIA in the event the NIA's CAC representative
cannot attend a CAC meeting. Except, in the event a representative cannot complete their
entire term, a substitute can be elected at any regular NIA meeting.

Within thirty (30) days of the effective date of this section, each NIA shall meet to elect a representative to the transition CAC for the remainder of calendar year 2004. The term for members of the transition CAC will expire on December 31, 2004, and will not be considered in determining term limits for NIA representatives on the CAC.

The three (3) at-large members of the CAC shall be appointed for three (3) year terms by the mayor with confirmation by the city council. The at-large members will have three (3) year terms. **Members shall not serve beyond the end of their appointed term.**

Upon expiration of a term the position shall remain vacant until a successor is appointed.

No at-large member of the CAC shall serve more than two (2) consecutive terms. One (1) at-large member must come from a low and moderate income (LMI) area not represented by a certified NIA or be a LMI citizen of Topeka not residing in an NIA area and two (2) at-large members must come from disciplines such as construction trades, architecture, appraising, real estate sales, public finance, mortgage lending, legal, real estate development, residential property management, commercial banking construction material suppliers, fund raising, neighborhood planning, zoning, engineering or other disciplines relevant to housing and neighborhood development.

At the first annual meeting of the CAC the voting members will elect a chair to conduct the meetings in accordance with Roberts Rules of Order. The director of housing and neighborhood development (HND) will establish bylaws and, in consultation with the CAC chair, prepare the agenda for each meeting. The CAC will meet quarterly each year unless a special meeting is requested by the director of HND or the city council. A quorum of the CAC shall consist of those voting members present, and a simple majority of voting
members present shall decide any question. HND staff shall keep attendance records and
minutes of each meeting.

Each NIA representative and each at-large member will have voting rights throughout their term.

The purpose of the CAC is to advise HND of the community needs as they relate to
the allocation of city, state, federal and Topeka housing trust funds.

Section 28. That City of Topeka Code § 42-5, Neighborhood improvement
associations, is hereby amended to read as follows:

Neighborhood improvement associations.

(a) The following method is established for the establishment and certification of
neighborhood improvement associations (NIA's):

(1) Persons interested in forming an NIA shall set a time and place for an
organizational meeting and notify all residents of this meeting, either by mail
or by hand-delivered flier.

(2) At the organizational meeting, boundaries for the NIA shall be
determined, officers shall be elected, and a date, time and place for regular
future meetings shall be set.

(3) At the organizational meeting, a petition shall be signed by at least 25
residents, property owners, businesses and persons having a definable
interest in the area requesting certification.

(4) A letter requesting certification and the signed petition shall be
submitted to the mayor city manager for approval.

(5) The association shall meet during the month of April each year to
elect a president, vice-president, secretary and treasurer.

(6) A quorum for the transaction of business shall be those members present.

(7) If an NIA wishes to extend its boundaries, each resident of the area to be included in the expansion shall be notified of the proposed expansion and given the opportunity at the NIA meeting to express their approval or disapproval.

(b) Each year, on or prior to May 1, the city manager shall designate certain census tracts or portions thereof within the city as the community development (CD) target area. Neighborhood improvement associations may be established within the target area. They shall be established as set out in subsection (a) of this section. The responsibilities of these CD target area NIA's shall be as follows:

(1) To identify needs, define objectives and express preferences about activities proposed in the community development block grant funding application.

(2) To act as a vehicle through which individual and group complaints concerning community development program performance are channeled to the community and economic development department.

(3) To develop neighborhood improvement plans and submit such plans to the community development advisory board and director for funding consideration.

(4) To otherwise participate in the development of programs related to community betterment.
(5) To annually elect two representatives to sit on and participate in the community development advisory council.

(6) To work directly with the staff of community and economic development on those community development programs existing in the NIA which are funded or sponsored by community development block grant funds.

Section 29. That City of Topeka Code § 42-39, Downtown business improvement district advisory board, is hereby amended to read as follows:

**Downtown business improvement district advisory board.**

(a) The downtown business improvement district advisory board is hereby established in accordance with the provisions of the business improvement district act, K.S.A. 12-1781 et seq. The purpose of the advisory board is to monitor and oversee the provision of services as established by this article. The board shall, not later than May 15 of each year, submit to the council a recommended program of services to be performed or provided within the district during the coming calendar year and a proposed budget to accomplish these objectives. In addition, the board shall submit a proposed schedule of fees for assessment on the businesses in the district and may recommend consideration of changes in the boundaries of the district. There shall be nine members of the downtown business improvement district advisory board, who shall be appointed by the mayor with the consent of the city council.

(b) Members appointed to the downtown business improvement district advisory board shall be representatives of the businesses located within the district. Of the members first appointed to the advisory board, four shall be appointed for a term of one
year and five shall be appointed for a term of two years. Members shall not serve beyond
the end of their appointed terms. Upon expiration of a term the position shall remain vacant
until a successor is appointed. On the expiration of the term of each board member,
subsequent terms shall be for a period of two years. Any vacancy occurring in the
membership of the business improvement district advisory board shall be filled by
appointment of the mayor with the consent of the city council for the unexpired term.

Section 30. That City of Topeka Code § 86-1, Topeka Human Relations
Commission created, is hereby amended to read as follows:

Topeka Human Relations Commission created.

There is hereby created the Topeka Human Relations Commission. The executive
director of the commission shall be appointed by the mayor city manager, serve at the will
and pleasure of the mayor city manager, and be under the administrative direction of the
mayor or chief administrative officer city manager.

Section 31. That City of Topeka Code § 86-2, Same--Specific duties and
responsibilities, is hereby amended to read as follows:

Same--Specific duties and responsibilities.

The commission’s executive director shall have the following duties and
responsibilities:

(1) To be the administrative head of the Topeka Human Relations
Commission;

(2) To endeavor to eliminate prejudice because of race, religion, creed,
color, sex, disability, national origin or ancestry, or age in the city and to
further goodwill among all people of the city;
(3) To administer and enforce the provisions of this chapter;

(4) To draft regulations as directed by the commission for consideration by the commission;

(5) To receive, investigate, and attempt to conciliate or refer all complaints filed in accordance with this chapter;

(6) To exercise any other duties and responsibilities specified as the director's in any section of this chapter, or any other city ordinance;

(7) To delegate duties, functions and responsibilities to any staff personnel employed as authorized;

(8) To appoint conciliation committees, as needed, from among the commission members;

(9) To perform additional duties and responsibilities allocated by the mayor or the chief administrative officer city manager, as the need may arise;

(10) To support the commission to endeavor to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin or ancestry, or age and further goodwill among all people of the city; promote goodwill, cooperation and conciliation; support the commission in seeking additional funding to effectuate the purposes of this article; issue such publications, results of investigation not confidential in nature, and research as, in the judgement of the city attorney's office and director, will tend to promote goodwill and minimize or eliminate discrimination; and advise and support the commission and staff and receive and accept reports; and
(11) By March 1 of each year, to prepare and submit to the city and the city council a plan to address any problems or deficiencies identified by the commission in its annual report required by City Code section 86-28(3).

Section 32. That City of Topeka Code § 86-27, Composition; term of members, is hereby amended to read as follows:

Composition; term of members.

The Topeka Human Relations Commission shall consist of nine members to be drawn from diverse racial, ethnic, commercial, and industrial segments of the community, who shall reside within the corporate limits of the city. The Commissioners shall be appointed by the mayor from council nominations, and such appointments shall be confirmed by the council. Each councilmember shall appoint one member from the city at large. Members shall serve without compensation. On or after the effective date of this section, each councilmember shall appoint one commission member whose term shall expire on April 14, 1999. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Thereafter, members will be appointed on or after April 15 of each odd numbered year and the term of office of each member of the commission shall be for two years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. The commission shall select by majority vote one of the appointees as the chairperson of the commission. The commission shall meet monthly. Special meetings may be called by the chairperson or by a majority of the commission.
Section 33. That City of Topeka Code § 86-28, Duties and responsibilities, is hereby amended to read as follows:

**Duties and responsibilities.**

The commission will:

(1) Support the director to endeavor to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin or ancestry, or age and further goodwill among all people of the city; promote goodwill, cooperation and conciliation; support the director in seeking additional funding to effectuate the purposes of this article; issue such publications, results of investigation not confidential in nature, and research as, in the judgment of the city attorney's office and director, will tend to promote goodwill and minimize or eliminate discrimination; and advise and support the commission director and staff and receive and accept reports.

(2) Permit the filing and investigation of complaints and hold such public hearings as are further provided for in this chapter.

(3) By February 1 of each year, prepare and submit an annual report to the city and the city council of the commission's activities, the executive director and staff in investigating complaints, resolving or conciliating complaints, determining allegations, issuing orders, identifying issues and problem areas within the Topeka community and, after reviewing the performance of the commission, executive director and staff during the year, shall propose any modifications to this chapter that would improve the effectiveness of enforcement by the commission and better fulfill the
antidiscrimination policies of the city.

(4) Adopt, amend and rescind suitable rules and regulations to carry out
the provisions of this act and the policies and practices of the commission in
connection therewith.

(5) Review investigations and make probablye cause determinations.

Section 34. That City of Topeka Code § 102-197, Composition; appointments, is
hereby amended to read as follows:

Composition; appointments.

The golf course advisory board shall consist of five three (3) members and three ex
officio members. The five three (3) members shall be appointed as follows: One board
member shall be appointed by and serve at the pleasure of the mayor with the consent of
the council; one board member shall be chosen by the members of the men's club of the
public golf course; one board member shall be chosen by the women's club of the public
golf course; and two board members shall be chosen by the members appointed by the
golfers at large. The following shall be ex officio members of the advisory board: the
director of the department of parks and recreation or designee, the golf course manager
and the golf course superintendent professional.

Section 35. That City of Topeka Code § 102-198, Terms, is hereby amended to
read as follows:

Terms.

The terms of office of the members of the golf course advisory board shall be two
years. All members shall serve until their respective terms have expired. Members may
be appointed for subsequent terms after completion of their first term. Members shall not
serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.

Section 36. That City of Topeka Code § 106-41, Created; terms; technical advisor; quorum, is hereby amended to read as follows:

Created; terms; technical advisor; quorum.

(a) A civil service commission is hereby established in the city. The mayor of the city shall appoint five civil service commissioners, who shall hold office for terms of four years. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. To be eligible for appointment as a commissioner, an individual may not be an employee of the city and shall have at least three years of experience in a responsible position requiring knowledge of the legal issues involved in the hiring or disciplining of employees. The commissioners so appointed, or who have been appointed, shall continue in office and shall exercise and perform the duties of such office in accordance with the provisions of law until their successors have been appointed.

(b) The chief administrative officer, city manager shall designate a representative of the city to serve as a nonvoting member of the civil service commission. This nonvoting member will serve as a technical advisor to the commission. A quorum for conducting business is three voting members.

Section 37. That City of Topeka Code § 106-45, Annual and special reports; rules and regulations, is hereby amended to read as follows:

Annual and special reports; rules and regulations.
The civil service commission shall make an annual report to the mayor or the mayor's designee, and the mayor or the mayor's designee city manager or city manager's designee, and the city manager or the city manager's designee may require special reports from the civil service commission at any time. The civil service commission may prescribe such rules and regulations for the proper conduct of the business of the commission as are found expedient and advisable.

Section 38. That City of Topeka Code § 106-204, Administration of benefit funds by board of trustees, is hereby amended to read as follows:

Administration of benefit funds by board of trustees.

The pension funds established under the provisions of this division shall be administered as follows:

(1) Each fund shall be administered by a board of trustees which shall consist of the mayor city manager, the chief officer of the department, and three delegates at large from the department to be elected by the officers and members thereof at an annual meeting to be called by the chief officer of the department and held on the first Tuesday of July of each year. The boards shall be known as the "board of trustees of the fire pension fund," and the "board of trustees of the police pension fund." The terms of office for delegated members of such boards shall be one year.

(2) The boards shall elect from their members a president and a secretary. The city treasurer shall be ex officio treasurer of such boards, and as such shall have charge of the funds and securities provided for in this division. No member of the board of trustees or the treasurer shall receive
any compensation for their services.

(3) The city attorney shall be the legal advisor to such boards of trustees.

Section 39. That City of Topeka Code § 110-27, Composition; appointments; terms, is hereby amended to read as follows:

Composition; appointments; terms.

(a) Membership generally. The Topeka Planning Commission shall consist of 12 members who shall be appointed and have the terms of service as follows:

The mayor with the consent of the city council shall appoint 12 members to the city planning commission. At least nine but not more than ten persons shall reside within the corporate boundaries of the city. In addition, at least two, but not more than three, persons shall reside outside of the corporate limits but within the city's three mile extraterritorial jurisdiction. Of the members of the Topeka Planning Commission first appointed, three members shall serve one year terms; two four members shall serve two year terms and four members shall serve three year terms. The mayor with the consent of the city council shall determine the terms of each appointed member. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed. Persons appointed to the first Topeka Planning Commission may be reappointed to additional terms, subject to applicable bylaws of the Topeka Planning Commission.

Members appointed to the Topeka Planning Commission shall serve without compensation. Members may be removed for cause by the mayor and city council.

In case of death, incapacity, resignation or disqualification of any member of the
Topeka Planning Commission, the mayor with consent of the city council shall appoint another member for the unexpired term of the deceased, incapacitated, resigned or disqualified member.

Section 40. That City of Topeka Code § 110-34, Meetings, is hereby amended to read as follows:

Meetings.

(a) The Topeka Planning Commission shall convene for its first meeting at such time and place as shall be fixed by the mayor city manager of the city, and shall thereupon proceed to organize and elect officers and fix and determine times and places of future meetings, which meetings shall not be less frequent than four (4) times a year.

(b) Special meetings of the Topeka Planning Commission may be called by the chairperson, or, if absent, by the vice-chairperson, on not less than three (3) days' notice, such notice to be by mail at the address given to the secretary of the Topeka Planning Commission by each member.

(c) The Topeka Planning Commission shall adopt bylaws to implement the provisions of this article in accordance with state law, a certified copy to be filed with the city council.

Section 42. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper on or after April 12, 2005.

PASSED and APPROVED by the City Council___ JAN 25 2005

ATTEST:

James A. McClinton, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE: 1/11/05 BY

TO BE CODIFIED

NOT TO BE CODIFIED