ORDINANCE NO. 18383


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, pursuant to Charter Ordinance No. 94, §22(g), the annual budget is to be prepared by the city manager; and

WHEREAS, pursuant to Charter Ordinance No. 94, §22(b), the city manager is authorized to sign contracts on behalf of the city; and

WHEREAS, pursuant to Charter Ordinance No. 94, §22(i), the city manager is responsible for purchase of materials and supplies and making recommendations to the council for awarding public contracts; and

WHEREAS, pursuant to Charter Ordinance No. 94 §22(f), the city manager is to control and administer the financial affairs of the city; and

WHEREAS, pursuant to Charter Ordinance No. 94, §22(a), the city manager is responsible for the administration of the affairs of the city.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:
Section 1. That City of Topeka Code § 2-252, Designation of depositories, is hereby amended to read as follows:

Designation of depositories.

The city council, upon the recommendation of the director of administrative and financial services city manager or her/his designee, shall by resolution designate depositories and require security in accordance with K.S.A. 9-1401 et seq. as amended.

Section 2. That City of Topeka Code § 2-253, Investment of surplus moneys, is hereby amended to read as follows:

Investment of surplus moneys.

The director of administrative and financial services city manager or her/his designee shall establish procedures for the operation of the city investment program. Funds shall be invested in accordance with K.S.A. 12-1675 through 12-1677d as amended. In order of importance, the primary objectives of all such investments shall be the safety of principal, maintenance of adequate liquidity, and return on investment. All moneys earned and collected from investments authorized under this section shall be credited in accordance with the budget as adopted by the city council or as may otherwise be required by law.

Section 3. That City of Topeka Code § 2-271, Budget schedule, is hereby amended to read as follows:

Budget schedule.

The city council shall set priorities for the budget preparation on or before the third Tuesday of May of each year. The mayor city manager shall submit to the council the proposed total operating budget for the city for the succeeding fiscal year on or before the
first Tuesday of July of each year. The city council shall then schedule such meetings and
hearings as it considers appropriate and necessary to enable it to make final
determinations and adjustments to estimated revenues and estimated expenditures for the
various funds and departments. The council shall schedule the legal publication of the
proposed budget and shall schedule and conduct a public hearing as required by law in
order to answer and hear objections of taxpayers to the proposed budget and to consider
amendments. Adoption of the budget shall conform to the requirements of applicable state
statutes. The provisions of this division shall in no way be deemed to abrogate any of the
provisions of K.S.A. 79-2925 et seq., or any amendments thereto.

Section 4. That City of Topeka Code § 2-286, Proration of legal expenses, is
hereby amended to read as follows:

Proration of legal expenses.

(a) All costs incurred by the city for the purpose of prosecuting and defending
lawsuits by or against the city, other than the customary and usual expenses of the legal
department, shall be charged against and paid by the department or agency which is
primarily and substantially involved in the litigation. The city attorney's office shall work with
the departments and agencies involved in order to ascertain responsibility and liability
payments, including assessment against multiple departments and agencies on a pro rata
basis, and shall make the final determination as to such liability. If any such department
head or agency head feels that the final determination made by the city attorney's office is
unjustified, the decision may be appealed to the chief administrative officer for
determination.

(b) If the city attorney or the chief administrative officer determines
that the cost cannot reasonably be assessed against any particular department, then such
costs shall be charged against and paid from the miscellaneous, nondepartmental
appropriation of the general fund. The city attorney's office shall work with the departments
and agencies involved in order to ascertain responsibility and liability for costs, but if a
department or agency head feels that the determination made by the city attorney's office
is unjustified, the decision may be appealed to the chief administrative officer city manager
for determination.

(c) The expenses referred to by this section shall include but shall not be limited
to costs of depositions, witness fees, expert witness fees, photocopying charges, long
distance telephone charges, travel expenses, court costs, printing and binding of court
documents, medical tests and other discovery and evidentiary costs, premiums on bonds
required by the court, and attorneys' fees on any cases specifically assigned to private
counsel. For any lawsuits involving independent agencies, including any department or
agency performing proprietary functions or any agency with its own taxing authority,
expenses referred to in subsection (a) shall also include reasonable attorneys' fees.

Section 5. That City of Topeka Code § 2-287, Project service fees for city
projects, is hereby amended to read as follows:

**Project service fees for city projects.**

(a) On all publicly financed projects built under the supervision of the department
of public works, fees shall be paid into the appropriate fund from the project fund
concerned to cover the costs incurred by the various divisions of the department. All fees
provided for in this section shall be charged to the expenditure account of the construction
fund set up to account for the improvement project and shall be considered a part of the
project cost.

(b) Each division of the department of public works shall maintain accurate records of the costs for engineering, design, administration, supervision, inspection and all other tasks necessary to protect the interests of the city in the design and construction of city public works projects. The fees to be paid shall be equal to the actual salary costs as shown by division records, plus a percentage to defray the intangible costs of clerical services, equipment, insurance, rent and all other overhead expenses. A schedule of overhead factors for each division shall be presented for approval by the city council as part of the annual budget process. In addition to salary costs, the fees shall include any direct nonsalary costs resulting from the project. When the construction contract is awarded for a project, all fees accumulated to that point shall be due and payable, except that fees for design shall be computed in accordance with section 2-288 and shall be assumed to be payment for all costs incurred by the engineering division to the contract award stated. Upon completion of the project, the remaining fees, computed in accordance with this section, shall be due and payable. If a project is abandoned prior to construction, all fees, including fees for design, shall be computed in accordance with this section and paid.

(c) On all project budgets for projects initiated under the city's adopted Capital Improvement Program (CIP), a fee will be charged to offset the costs associated with management of the city's adopted CIP. The actual fee will be determined by the construction cost of each project, in accordance with a schedule as established by the chief administrative officer, city manager. The fee schedule may be adjusted annually by the chief administrative officer, city manager, as may be necessary, to cover the cost of
administering the city's CIP. The chief administrative officer, city manager, shall provide to
the city council a copy of the fee schedule annually and any subsequent adjustments. The
fee is payable to the department of administration/finance after the adoption of the project
budget by the city council.

Section 6. That City of Topeka Code § 2-321, Establishment of funds, is hereby
amended to read as follows:

Establishment of funds.

(a) Generally. The director of administrative and financial services shall establish
such funds as are necessary for the proper and efficient management and conduct of city
business. All such funds shall be established and managed in accordance with applicable
state statutes, city ordinances, and generally accepted accounting principles, and in
accordance with principles established by the National Council on Governmental
Accounting.

(b) Internal service funds. The director of administrative and financial services
may, upon the approval of the chief administrative officer, city manager, establish internal
service funds, for the purpose of providing fiscal accountability and control over the
resources provided to and the financial transactions of various divisions and sections of the
department of administrative and financial services. The director shall maintain a listing of
and accounting for all active internal service funds. Periodic reports of the activity and
balances of each internal service fund shall be provided for review by the mayor and chief
administrative officer, city manager.

(c) Enterprise funds. The director of administrative and financial services may,
upon the approval of the chief administrative officer, city manager, establish enterprise
funds for the purpose of providing fiscal accountability and management of fees and charges for goods or services to the general public. The director of administrative and financial services shall maintain a listing and accounting for all active enterprise funds. Periodic reports shall be prepared for review by the mayor and chief administrative officer.

(d) Trust and agency funds. The director of administrative and financial services may, upon the approval of the chief administrative officer, establish trust and agency funds for the purpose of accounting for assets held by the city in a trustee capacity or as the agent for individuals, private organizations, other governmental units, and/or other funds. The director shall maintain a listing and accounting for all such funds. Periodic reports of the activity and balances of each such fund shall be prepared for review by the mayor and chief administrative officer.

Section 7. That City of Topeka Code § 2-324, Capital improvements fund, is hereby amended to read as follows:

Capital improvements fund.

(a) There is hereby established pursuant to K.S.A. 12-1,118, a special revenue fund to be designated as the capital improvements fund. The capital improvements fund may receive budgeted transfers from the general operating fund or any other fund having cash or other resources properly budgeted and legally available for such purpose. The moneys in the capital improvements fund may be used to finance, in whole or in part, any public improvement need set forth in the adopted capital improvement plan, including the repair, restoration and rehabilitation of existing public facilities. Disbursements may be made for engineering and other advance public improvement plans and studies.
Reimbursements may be made to the fund from bond proceeds, special assessments, or state or federal aid available for the completed project.

(b) Procedures for the management of this fund shall be established by the director of administrative and financial services in accordance with generally accepted accounting principles. The procedures shall be approved by the chief administrative officer, city manager. Pursuant to K.S.A. 12-1,118, except for transfers into the capital improvements planning fund, the fund shall not be subject to the provisions of the general budget law (K.S.A. 79-2925 through 79-2937 inclusive, and amendments thereto). Provided however, the annual operating budget as published and certified shall show the amount on hand in such fund and the amounts transferred, expended and reimbursed during the prior year.

Section 8. That City of Topeka Code § 2-329, Economic development revolving loan fund, is hereby amended to read as follows:

**Economic development revolving loan fund.**

(a) There is hereby created the city economic development revolving loan fund. The purpose of the fund shall be to promote, stimulate and improve the economic welfare of the city and assist in the creation, retention, expansion and development of economic opportunities for its citizens. The fund shall be administered by the housing and neighborhood services development department.

(b) The director of the housing and neighborhood services development department of the city shall promulgate rules and regulations relating to the operation, management and marketing of the fund. The rules and regulations shall take effect and be in force from and after their consideration and approval by the chief administrative officer.
city manager.

(c) Moneys from the fund shall be used as leverage with private moneys to promote, stimulate and improve:

(1) Minority business enterprises.

(2) Small business enterprises.

(3) Businesses within designated enterprise zones.

(4) Such other activities and uses as may be deemed appropriate.

(d) Initial capitalization to establish the fund shall be from community development block grant moneys. Once established, the fund may be further capitalized by allocations from other public or private sources.

Section 9. That City of Topeka Code § 2-331, Historic asset preservation fund, is hereby amended to read as follows:

Historic asset preservation fund.

There is hereby created in the city a special fund to be known as the historic asset preservation fund. Monies from the city's general fund, community block grant funds or funds from any other source legally available for such purpose shall be credited to this special fund. Monies so credited may be expended, upon approval by the council of the city for the acquisition, rehabilitation and preservation of historic landmarks or historic resources located within the city.

Section 10. That City of Topeka Code § 2-346, Grant application, approval, and fiscal report requirements, is hereby amended to read as follows:

Grant application, approval, and fiscal report requirements.
(a) No officer, employee, assistant, deputy or agent of the city shall apply for a grant of funds from any source, be it private, county, state or federal, without specific authority and approval by the mayor city manager for each such application. Before the mayor city manager authorizes and approves a grant application, the application shall be submitted to the director of administrative and financial services for a fiscal report, and to the legal department for review and determination that such application is in compliance with all applicable laws, rules and regulations.

Section 11. That City of Topeka Code § 2-347, Emergency approval, is hereby amended to read as follows:

Emergency grant application approval.

When an emergency exists so as to preclude delay of approval or disapproval of an application for the purpose of referring to the director of administrative and financial services and the legal department, the mayor city manager may authorize a grant without so referring such application.

Section 12. That City of Topeka Code § 2-348, Failure to receive approval as grounds for dismissal, is hereby amended to read as follows:

Failure to receive approval follow procedure as grounds for dismissal.

Any city employee or agent of the city who violates the requirements of this division shall be subject to dismissal.

Section 13. That City of Topeka Code § 2-363, Transfer of funds upon settlement of claim, is hereby amended to read as follows:

Transfer of funds upon settlement of claim.
(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured and the company, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company shall execute a draft payable to the city treasurer in an amount not to exceed the sum of 15 percent of the covered claim payment unless the code enforcement director of the city and/or the administrator of the environmental code services program director of development services division has issued a certificate to the insurance company that the insured has removed the damaged building or other structure, as well as all associated debris, or has repaired, rebuilt or otherwise made the premises safe and secure.

(b) Companies insuring the building or other structure shall transfer such funds based on each company's pro rata share of the settlement of the covered claim. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required in this section, the insurance company shall provide the city with the name and address of the named insured, or insureds, the total insurance coverage applicable to the building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the code enforcement director and/or the administrator of the environmental code services program director of development services division shall contact the named insured or insureds by certified mail, notifying
them that the insurance proceeds have been received by the city and apprise them of the
procedures to be followed under this division.

Section 14. That City of Topeka Code § 2-364, Procedure upon receipt of moneys;
investigation, is hereby amended to read as follows:

Procedure upon receipt of moneys; investigation.

(a) Upon receipt of moneys as provided for by this division, the city treasurer
shall immediately notify the code enforcement director and/or the administrator of the
environmental code services program director of development services division of such
receipt, and transmit all documentation received from the insurance company to the code
enforcement director and/or the administrator of the environmental code services program
director of development services division.

(b) Within 20 days of the receipt of the moneys as provided by this division, the
code enforcement director and administrator of the environmental code services program
director of development services division shall determine, based upon investigation,
whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 [1750]
through 12-1756, as amended, and chapter 26, article XI of this Code. For purposes of this
division, the code enforcement director director of development services division shall have
responsibility for determining an immediate hazard, pursuant to KS.A. 12-1750 et seq. and
the administrator of the environmental code services program shall have responsibility for
enforcement of chapter 26, article XI of this Code.

(c) Prior to the expiration of the 20-day period established in this section, the
code enforcement director and administrator of the environmental code services program
director of development services division shall notify the city treasurer whether the city
intends to initiate proceedings under K.S.A. 12-1750 [1750] through 12-1756, as amended, and chapter 26, article XI of this Code.

(d) If the code enforcement director or administrator of the environmental code services program director of development services division has determined that proceedings under K.S.A. 12-1750 [1750] through 12-1756, as amended, or chapter 26, article XI of this Code shall be initiated, he or she will do so immediately, but no later than 30 days after receipt of the moneys by the city treasurer.

(e) Upon notification to the city treasurer by the code enforcement director or administrator of the environmental code services program director of development services division that no proceedings shall be initiated under K.S.A. 12-1750 [1750] through 12-1756, as amended, or chapter 26, article XI of this Code the city treasurer shall return all moneys received to the insured or insureds as identified in the communication from the insurance company. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies.

Section 15. That City of Topeka Code § 2-365, Removal of structure; excess moneys, is hereby amended to read as follows:

Removal of structure; excess moneys.

(a) If the administrator of the environmental code services program director of development services division has proceeded under the provisions of K.S.A. 12-1750 [1750] through 12-1756, as amended, or chapter 26, article XI of this Code, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.
(b) If the administrator of the environmental code services program director of development services division, with regard to a building or other structure damaged by fire or explosion, or windstorm determines that it is necessary to act under K.S.A. 12-1756 or section 26-553 of the Code, any proceeds received by the city treasurer under the authority granted in this division relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756 or section 26-553 of the Code. Upon reimbursement from the insurance proceeds, the administrator of the environmental code services program director of development services division shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city treasurer under section 2-363, the administrator of the environmental code services program director of development services division shall publish a new lien in an amount equal to such excess expenses incurred.

Section 16. That City of Topeka Code § 2-386, Authority of mayor to sign certain contracts, is hereby amended to read as follows:

Authority of mayor city manager to sign certain contracts.

(a) Pursuant to Charter Ordinance 75- § 2 (App. A, § A2-19) No. 94, §22, the mayor city manager is hereby authorized to sign all contracts binding the city, unless:

1. Council approval of the contract or the subject matter of the contract is required by city ordinance or resolution;

2. Council approval of the contract or the subject matter is required by state or federal law; or

3. Other city officers or employees are specifically authorized by
ordinance to approve and sign the contract.

(b) The authority granted by this section is subject to all ordinances and laws which restrict and limit the ability of the city to enter into binding contracts. Further, this section does not authorize the avoidance of or exemption from any administrative reviews or approvals of contracts as required by city ordinances or regulations.

(c) The provisions of this section shall not preclude the mayor city manager from seeking and obtaining the approval of the city council prior to signing certain contracts, notwithstanding the authority granted in this section.

Section 17. That City of Topeka Code § 2-408, Negotiation of contract, is hereby amended to read as follows:

Negotiation of contract.

After a determination has been made by the interview committee, the director of the originating department, in conjunction with the city attorney's office, shall negotiate the terms and conditions of a professional services contract with the person selected. The proposed contract for professional services shall be submitted to the mayor city manager for final approval. If the contract is for engineering services, the terms of the contract shall conform to the provisions of section 2-409 of this division. If the terms of the contract cannot be successfully negotiated with the person selected, then the interview committee shall reconvene and make an alternate selection.

Section 18. That City of Topeka Code § 2-456, Disposal of real property, is hereby amended to read as follows:

Disposal of real property.

(a) Any department with control of real property that is no longer needed shall
provide written notification to the department of housing and neighborhood services
development of the desire to dispose of the property as surplus. All city departments shall
be notified of the availability of the property. A city department indicating a need for the real
property shall notify the department of housing and neighborhood services development to
ensure the appropriate transfer of the property. The transfer of the property shall be
approved by the chief administrative officer city manager.

(b) If no city department indicates an interest in the real estate offered as
provided in this section, the subject property shall be sold in the manner as follows:

(1) The value of the property shall be ascertained by appraisal. Real
estate appraisals may be made by staff or by independent fee appraisers as
determined by the director of housing and neighborhood services
development. Zoning, utilities, existing structures, extent of improvements,
and location shall be considered in the appraisal process. The selection of
independent appraisers shall comply with applicable provisions of this
chapter.

(2) The director of housing and neighborhood services development shall
prepare a report of approval by the chief administrative officer city manager
and submission to the city council. The report shall provide the following
information:

a. A current survey or site plan establishing the property corners
and a scale drawing showing accurately the property
dimensions and the location of buildings and improvements
thereon.
b. A legal description and identification of the property, including the current zoning.

c. A statement of city ownership of the property, detailing the date the city acquired the property and the reason therefor.

d. The current use and potential use of the property.

e. The appraised value of the property.

f. A detailed description of the procedure proposed for disposal of the property.

 g. The financial impact of the proposed transaction.

(3) Upon receipt and review of the report, the council shall make a determination as to whether to proceed with disposal of the property.

(4) Upon completion of a property disposal method, as identified in this division, the director of housing and neighborhood services development, with the approval of the chief administrative officer city manager, shall present an acceptance of an offer for sale or exchange to the city council for its approval. When an offer for real property owned by the city is accepted as provided in this division, the documents necessary to close the transaction shall be prepared. Council consent is required for disposal of all real property.

Section 19. That City of Topeka Code § 2-458, Acquisition of real property, is hereby amended to read as follows:

Acquisition of real property.

(a) Any department with a need to acquire real property shall notify the director
of housing and neighborhood services development of its requirements and availability of funds. The director of housing and neighborhood services development shall search the market to identify appropriate properties and present a list of properties to the department for consideration. Upon identification of suitable property or properties, an appraisal shall be conducted, either by staff or by an independent fee appraiser for the purpose of establishing an amount considered to be just compensation for the property. More than one appraisal may be required. Appropriate city staff will negotiate an acceptable agreement with the owner of the property. When the purchase price of any real property is anticipated to exceed $50,000.00, a public notice shall be given in the official city newspaper of the city's interest in acquiring property. Such notice shall include a description of the city's needs and the proposed use of the property.

(b) In any proposed acquisition of real property under this section, the department of housing and neighborhood services development shall prepare a report, approved by the chief administrative officer city manager, for approval and acceptance by the city council. The report shall provide the following information:

(1) The appraisal value of the property.

(2) The financial impact of the transaction.

(3) The terms and conditions of the acquisition.

(4) A statement identifying anticipated use.

(5) Identification of the existence of any conditions impacting the environment.

(c) Upon approval of the transaction provided for in this section by the city council, the director of housing and neighborhood services development shall, with the
approval of the city attorney, accept deed as prepared by the seller. Prior to final execution, all property to be purchased shall be insured at the seller's expense against title defects, unless otherwise waived by the governing body. The approval and acceptance of the council shall not be required for any acquisition where the purchase price is $20,000.00 or less. However, the other provisions of this section shall apply to such transactions.

Section 20. That City of Topeka Code § 2-459, Lease of city-owned property, is hereby amended to read as follows:

Lease of city-owned property.

(a) The department of housing and neighborhood services development shall keep and maintain records relating to city-owned property which is not needed for municipal purposes and designated for lease.

(b) Proper lease agreements may be entered into upon approval of the chief administrative officer and signature by the mayor city manager. The terms and conditions of such agreements shall be consistent with the prevailing real estate market.

(c) Any lease of city-owned real estate that will exceed $10,000.00 within a 12-month period shall be approved by the city council and signed by the mayor city manager.

(d) The director of housing and neighborhood services city manager shall present an annual report to the mayor and city council identifying the city-owned property being leased, the terms of the lease, and the use of the property.

Section 21. That City of Topeka Code § 2-460, Lease of privately owned property, is hereby amended to read as follows:

Lease of privately owned property.

(a) Any department with a need to lease real property shall notify the director of
housing and neighborhood services development of the requirements and availability of funds. Upon determination that the need to lease privately owned property exists, the market shall be searched for appropriate properties. When suitable property is identified a lease agreement consistent with prevailing real estate market conditions shall be negotiated. At the completion of negotiations, a lease agreement shall be prepared and authorized by the mayor city manager and requesting department head, except as specifically provided in this section.

(b) Except where a specific location is required when the anticipated lease of privately owned property is anticipated to exceed $10,000.00, a notice of the city’s interest to acquire leased property shall be published in the official city newspaper at least ten days prior to acceptance of any lease agreement. Such notice shall specify the necessary conditions of the needed real estate, including but not limited to square footage, access, and location.

(c) No leased real property in excess of $10,000.00 per year, including all costs contemplated by the lease agreement, shall be authorized unless approved by resolution of the city council and signed by the mayor city manager.

(d) The director of housing and neighborhood services city manager shall submit an annual report to the city council and mayor identifying privately owned property being leased. The report shall include the following:

(1) A list of the privately owned property by location.

(2) The owner of each leased property.

(3) The square footage of such property and the terms, conditions and options of the lease, excluding cost.
Section 22. That City of Topeka Code § 2-479, Defenses; waiver, is hereby amended to read as follows:

Defenses; waiver.

All civil claims against the city shall be processed and defended by the legal department of the city. Nothing contained in this division shall prohibit the legal department from obtaining outside counsel for additional assistance whenever the need arises, subject to the approval of the mayor and chief administrative officer, city manager; provided, that if an employee elects to retain counsel outside that provided by the city, without the consent of the city attorney, such employee waives the right to payment by the city of such attorney fees. Provided further, the city may refuse to provide employee defense of an action if the city determines that:

1. The act or omission was not within the scope of the employee's employment;
2. The employee acted or failed to act because of actual fraud or actual malice;
3. The city's defending would create a conflict of interest between the city and the employee; or
4. The employee fails to deliver written notice to the city clerk within days of service of summons as required by this article.

Section 23. That City of Topeka Code § 2-480, Funding, is hereby amended to read as follows:

Funding.
(a) Each year at the time for preparation of the annual operating budget, the city council shall determine an amount which is deemed to be necessary and which they will authorize and provide in the subsequent year for the special liability expense fund. At the same time, the director of administrative and financial services and a city attorney shall agree on an estimated and probable amount which will remain unexpended and unexpended at the end of the year and which will be carried forward to the subsequent year in the special liability expense fund. The city council will then cause a general property tax to be levied in an amount which together with the carryover balance and any revenue from any other source will provide for the amount determined to be necessary.

(b) If at any time during any year, the amount provided in the special liability expense fund shall be determined to be insufficient to pay the costs and expenditures for which the fund is provided for that year, the city attorney shall formulate and recommend a plan to provide additional funds. The plan shall be within the guidelines of applicable law and shall be submitted to the city council for action. Funds of the city which are properly classified as enterprise funds as defined by the National Council of Governmental Accounting, which shall include but not be limited to the water fund, water pollution control fund, golf course fund, public parking stations operating fund, Quincy garage fund, and Townsite Plaza garage fund, shall reimburse the special liability expense fund for all costs and expenditures incurred by such fund for the benefit of the enterprise fund.

Section 24. That City of Topeka Code § 2-492, Exception to prohibitions, is hereby amended to read as follows:

Exception to prohibitions.
(a) A city employee may make small purchases with personal funds which specifically benefit the city and for which the employee may subsequently be reimbursed.

(b) When any department deems it necessary and advisable for the city to enter into a contract with an employee, the department director shall submit to the chief administrative officer city manager the substance of the contract, including the proposed parties, subject matter, and proposed price or amount. The director shall also state the reasons for the necessity and advisability of entering into the contract with the particular employee.

(c) No contract between the city and an employee of the city shall be entered into unless and until the contract is approved by the chief administrative officer city manager and city attorney and notice of such action is given to the council.


Section 26. 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

James A. McClintick, Mayor

ATTEST: Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 1/11/05 BY 1/11/05
TO BE CODIFIED
NOT TO BE CODIFIED