(Published in the Topeka Metro News February 24, 2006)

ORDINANCE NO. 18572

AN ORDINANCE introduced by Councilmembers Bill Haynes, John Alcala, and Richard Harmon establishing a franchise fee refund program for the City of Topeka, amending City of Topeka Ordinance No. 18337 and repealing City of Topeka Ordinance No. 18337 in its entirety.

Whereas, gas and electric franchise fee increases have a disproportionate impact on lower income city residents; and

Whereas, the Council of the City of Topeka, Kansas hereby finds that it is in the best interest of the City of Topeka to provide lower income residents of the city with relief from rising utility fees by establishing a franchise fee refund program.

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

Section 1. Utility Franchise Fee Refund Program

There is hereby established a Utility Franchise Fee Refund Program in the City of Topeka. Subject to the terms and conditions established herein, eligible gas and electric utility ratepayers in the City of Topeka may receive a refund of gas and electric franchise fees paid by the ratepayer for property located within the city.

Section 2. Eligibility

Only those ratepayers age 65 and over, and who are eligible for and actually receive a refund from the State of Kansas Homestead Property Tax Refund program, as provided in KSA 79-4501 et seq. (as amended), may receive franchise fee refunds as provided herein.
Section 3. Refund Procedure

Franchise fee refunds shall be issued pursuant to the following procedure:

a. Application for a franchise fee refund shall be made by June July 15 of each year for the preceding calendar year paid franchise fees.

b. Applications shall be made on a form approved by the City of Topeka Director of Administrative and Finance Financial Services and shall be accompanied by the following documents and information:

   i. Copy of the ratepayer's Homestead Property Tax Refund claim form or verification obtained by the City of Topeka Director of Administrative and Financial Services for the preceding calendar year for the residence for which gas and electric utility franchise fees have been paid.

   ii. Proof of payment or approval of a Homestead Property Tax Refund for the preceding calendar year for the residence for which gas and electric utility franchise fees have been paid.

   iii. Proof in a form acceptable to the City of Topeka Director of Administrative and Finance Financial Services that franchise fees in the claimed amount have been paid by the ratepayer for the identified residence.

c. Upon receipt of the required application, documents and information, the City of Topeka Administrative and Finance Financial Services Director shall, within thirty (30) days, either issue a refund of the claimed franchise fees to
the ratepayer or, if the refund application is rejected for any reason, notify the ratepayer of the reason for the rejection.

A ratepayer whose application is rejected may appeal the rejection to the City Chief Administrative Officer, City Manager whose decision on the matter shall be deemed final and unappealable.

Section 4. That City of Topeka Ordinance No. 18337 is hereby specifically repealed.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council __February 21, 2006__

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE __02-15-06__ BY __JD__

TO BE CODIFIED __________

NOT TO BE CODIFIED __X__