ORDINANCE NO. 18584

AN ORDINANCE introduced by Councilmembers Bill Haynes, John Alcala, and Richard Harmon establishing a franchise fee refund program for the City of Topeka, and repealing City of Topeka Ordinance No. 18572 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. That City of Topeka Code § 146-17, Reserved, is hereby amended by the addition of the following language:

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.

Eligibility.

Commencing for the tax year of 2006 only those ratepayers who fit the income, age, dependents and other requirements of the State of Kansas Homestead Property Tax Refund law, as amended from time to time, and actually receive a refund from the State of
Kansas Homestead Property Tax Refund program, as provided in K.S.A. 79-4501 et seq.,
(as amended), may receive franchise fee refunds as provided herein.

Refund Procedure.

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

a. Application for a franchise fee refund shall be made by July 15 of 2006 and
of each subsequent 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 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 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 Director of Administrative and Financial Services 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.

d. A ratepayer whose application is rejected may appeal the rejection to the City
of Topeka City Manager whose decision on the matter shall be deemed final
and unappealable.

Section 2. That City of Topeka Ordinance No. 18572 is hereby specifically
repealed.

Section 3. This Ordinance shall take effect and be in force on and after January
1, 2007, and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council MAR 07 2006

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 3/9/06 BY
TO BE CODIFIED
NOT TO BE CODIFIED