

1 RESOLUTION NO. 7399

2  
3 A RESOLUTION introduced by Councilmember Bill Haynes concerning the  
4 appointment of Deputy Mayor Duane Pomeroy to carry on the  
5 responsibilities of the Office of Mayor of the City of Topeka.  
6

7 WHEREAS, in the matter of *state of Kansas v. Harry Felker (Case No. 03-C-1458)*,  
8 District Court Judge Eric Rosen has suspended City of Topeka Mayor Butch Felker  
9 pending resolution of the final determination of this ouster action; and

10 WHEREAS, in his order, District Judge Rosen has, pursuant to K.S.A. 60-1207,  
11 directed the City Council of the City of Topeka to appoint a person to carry on the  
12 responsibilities of the Office of Mayor of the City of Topeka until the matter is fully and  
13 finally determined; and

14 WHEREAS, City of Topeka Charter Ordinance A2-21 provides in relevant part, that  
15 "the deputy mayor shall serve in the absence or temporary disability of the mayor."

16 NOW THEREFORE BE IT RESOLVED by the Council of the City of Topeka that  
17 City of Topeka Deputy Mayor Duane Pomeroy is hereby appointed to carry on the duties  
18 and responsibilities of the Office of Mayor of the City of Topeka until the ouster  
19 proceeding is fully and finally determined or until a successor shall be elected and shall  
20 have qualified.

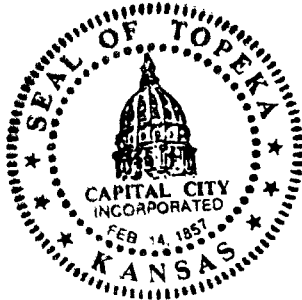
21 BE IT FURTHER RESOLVED by the Council of the City of Topeka that the City  
22 Attorney of the City of Topeka is directed to request an opinion from the Kansas Attorney  
23 General as to whether Duane Pomeroy may legally be appointed to perform the duties  
24 and responsibilities of the Mayor of the City of Topeka and at the same time continue to  
25 serve as District 1 Council Representative for the City of Topeka while the above  
26 referenced matter is pending before the courts.

COUNRES  
COUNCIL VOTE  
10/20/03

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

ADOPTED and APPROVED by City Council OCT 21 2003

CITY OF TOPEKA, KANSAS



ATTEST:

Iris E. Walker  
Iris E. Walker, City Clerk

Duane Pomeroy  
Duane Pomeroy, Deputy Mayor

APPROVED AS TO FORM AND LEGALITY	
DATE <u>10/22/03</u>	BY <u>fol</u>