

ORDINANCE NO. 20400

AN ORDINANCE introduced by City Manager Stephen Wade, concerning departments and established positions, creating a new section and amending § 2.20.020, § 2.20.040, § 2.20.050, § 2.105.010, § 2.105.030, § 2.105.040, § 2.105.050 and § 3.30.460 of the Topeka Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.20.120 which said section reads as follows:

Office of Diversity, Equity and Inclusion

Created - Director. There is hereby created an Office of Diversity, Equity and Inclusion. The Director shall be appointed by the City Manager and be known as Chief Diversity, Equity and Inclusion Officer. The City Manager, pursuant to Charter Ordinance No. 94, shall be responsible for supervising and evaluating the performance of the Director. The Director shall be responsible for the operation of the Office which shall include the Human Resources Department and the Division of Community Engagement.

Section 2. That section 2.20.020, Administrative and Financial Services Department, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Administrative and Financial Services Department.

(a) Created – Director. There is hereby created a Department of Administrative and Financial Services. The Director of the Department of Administrative and Financial Services, also known as Chief Financial Officer, shall be appointed by the City Manager. The City Manager, pursuant to Charter Ordinance No. 94, Section 1

(Appendix A, Section A2-54), shall be responsible for supervising and evaluating the performance of the Administrative and Financial Services Director, who shall be responsible for overall operation of the Department.

All references in this Code to "Finance Director" or "Financial Services Director" shall mean the Director of Administration and Financial Services. All references in this Code to "Finance Department" or "Financial Services Department" shall mean the Department of Administrative and Financial Services.

(b) City Treasurer. The Director of Administrative and Financial Services shall appoint a City Treasurer who shall be responsible for receiving, keeping and safeguarding all public moneys belonging to the City. The City Treasurer shall also be responsible for paying out public moneys belonging to the City only by authorized warrants or warrant checks and bearing the required signatures established by resolution of the Governing Body.

Section 3. That section 2.20.040, Human Resources Department, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Human Resources Department.

(a) Created – Director. There is hereby created a Department of Human Resources. The Director of Human Resources shall be appointed by the ~~City Manager~~ Chief Diversity, Equity and Inclusion Officer. The ~~City Manager, pursuant to Charter Ordinance No. 94, Section 1 (Appendix A, Section A2-54),~~ Chief Diversity, Equity and Inclusion Officer shall be responsible for supervising and evaluating the performance of the Human Resources Director. The Human Resources Director shall be responsible for the overall operation of the Department and management of all personnel matters,

including labor negotiations.

Section 4. That section 2.20.050, Information Technology Department, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Information Technology Department.

(a) Created – Director. There is hereby created a Department of Information Technology. The Director of Information Technology, also known as Chief Information Officer, shall be appointed by the City Manager. The City Manager, pursuant to Charter Ordinance No. 94, Section 1 (Appendix A, Section A2-54), shall be responsible for supervising and evaluating the performance of the Information Technology Director, who shall be responsible for the overall operation of the Department.

Section 5. That section 2.105.010, Policy, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Policy.

(a) *Policy Statement.* It is the policy of the City to take affirmative action to achieve equal treatment, diversity and inclusion when employing individuals and not to discriminate against any individual based on his/her age, color, disability, familial status, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status or any other factor protected by law (“Protected Class”). This shall apply to all personnel actions and procedures including, but not limited to, recruitment, hiring, training, transfer, promotion, compensation and other benefits.

(b) *General Objectives.*

(1) Intensify efforts to recruit applicants within a protected class for every level of responsibility;

74 (2) Develop special training programs to qualify persons within a
75 protected class for beginning level positions and for advancement; and

76 (3) Develop procedures for monitoring the application flow, final hiring and
77 disposition of persons within a protected class.

78 (c) *Administrative Responsibility.* The City Manager and all department directors
79 shall be responsible for ensuring that the City takes affirmative action to achieve equal
80 opportunity, inclusion and diversity when employing individuals within all departments in
81 accordance with the equal employment opportunity/affirmative action policy. The
82 ~~Human Resources Department~~Office of Diversity, Equity and Inclusion shall be
83 responsible for developing recruitment and training programs to include employment
84 goals for each City department.

85 Section 6. That section 2.105.030, Recruitment procedures, of The Code of
86 the City of Topeka, Kansas, is hereby amended to read as follows:

87 **Recruitment procedures.**

88 The ~~Director of Human Resources~~Chief Diversity, Equity and Inclusion Officer
89 shall devise and implement written procedures for the efficient and expeditious
90 recruitment of employees in accordance with Federal, State and City laws and
91 guidelines regarding equal employment opportunity.

92 Section 7. That section 2.105.040, Reports and records, of The Code of the
93 City of Topeka, Kansas, is hereby amended to read as follows:

94 **Reports and records.**

95 The ~~Director of Human Resources~~Chief Diversity, Equity and Inclusion Officer
96 shall comply with required equal employment opportunity/affirmative action reporting.

97 Position interview records and information related to new hires, transfers, promotions
98 and terminations shall be maintained by the Human Resources Department.

99 Section 8. That section 2.105.050, Equal Opportunity Officer, of The Code of
100 the City of Topeka, Kansas, is hereby amended to read as follows:

101 **Equal Opportunity Officer.**

102 (a) Designated Officer. The ~~Director of Human Resources~~Chief Diversity,
103 Equity and Inclusion Officer is designated as the Equal Opportunity Officer to ensure
104 equal employment opportunities.

105 (b) General Duties. It shall be the duty of the Equal Opportunity Officer to:

106 (1) Conduct periodic departmental reviews to determine compliance with
107 the City's equal employment opportunity/affirmative action policy;

108 (2) Report results obtained, problems encountered, and/or resistance or
109 failure to implement the equal employment opportunity/affirmative action policy to
110 the Governing Body, City Manager and Human Relations Commission and
111 provide recommendations to resolve any problems identified;

112 (3) Serve as a consultant to the Governing Body, City Manager and
113 department directors in developing recruitment programs, selection procedures,
114 training programs or other personnel functions necessary to implement the City's
115 equal employment opportunity/affirmative action policy;

116 (4) Recruit personnel in such a manner that clearly demonstrates the
117 City's interest in employing persons within a protected class; and

118 (5) Establish communication with institutions and organizations that
119 provide referral of qualified applicants within a protected class for available

positions.

Section 9. That section 3.30.460, Affirmative action programs, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Affirmative action programs.

(a) *Submission of Program.* All persons seeking to enter into a contract with the City shall submit in writing to the Contracts and Procurement Division either an affirmative action program, a certificate of compliance, or such other certificate as is acceptable to the Contracts and Procurement Division which evidences the adoption of an affirmative action program. Such affirmative action program, certificate of compliance or other certificate shall be approved and on file with the Contracts and Procurement Division, or such plan shall be submitted with the contract bid. If no affirmative action plan is submitted with the contract bid, the bid will be considered nonresponsive and will not be accepted. If any person shall fail or refuse to submit an affirmative action program as required by this article, such person shall be ineligible to enter into any City contract until the person has so complied.

(b) *Review by Contracts and Procurement Division.*

(1) *Affirmative Action Program.* The Contracts and Procurement Division shall receive and review affirmative action programs submitted to it, and shall approve any such program or shall specify in writing any modification of the program needed to make it conform to the requirements of this article; provided, that prior to final rejection of the program, the Contracts and Procurement Division shall advise and consult with the person submitting such program for the

purpose of assisting the person to develop an acceptable affirmative action program.

(2) *Certificates of Compliance.* The Contracts and Procurement Division shall receive and accept certificates of compliance as conforming with the terms of this article respecting submission of affirmative action programs.

(3) *Program Review Committee.* A program review committee shall be established for the purpose of reviewing and evaluating the City's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization. The committee members shall be designated by the City Manager. There shall be at least three members of the committee and other members may be added by the City Manager. The ~~Director of the Human Resources Department~~ Chief Diversity, Equity and Inclusion Officer, the Director of the Public Works Department, and the Director of the Contracts and Procurement Division shall all be members of the committee. All recommendations and determinations of the review committee may be appealed to the City Manager, whose decision shall be final and binding. The committee shall have the following duties and responsibilities:

(i) Establish, on an annual basis, percentage goals for the utilization of minority business enterprise, women business enterprise and disadvantaged business enterprise participation on City contracts. Goals shall be established upon consideration of the following factors: The number and type of contracts to be awarded, the number and type of minority, women, and socially and economically disadvantaged

165 contractors available, and past results of the City's minority business
166 enterprise, women business enterprise and disadvantaged business
167 enterprise utilization.

168 (ii) Review and analyze, on a quarterly basis, minority business
169 enterprise, women business enterprise and disadvantaged business
170 enterprise requirements, to include evaluating the methods for achieving
171 utilization goals and the guidelines for ascertaining contractors'
172 compliance with the City's policies and procedures.

173 (iii) Report to the ~~City Council~~ Governing Body on a quarterly basis,
174 through the City Manager, the findings from the review and analysis of
175 minority business enterprise, women business enterprise and
176 disadvantaged business enterprise participation and utilization. The ~~City~~
177 ~~Council~~ Governing Body shall consider goals for the City's minority
178 business enterprise, women business enterprise and disadvantaged
179 business enterprise utilization in conjunction with the annual setting of
180 budget priorities.

181 Section 10. That original § 2.20.020, § 2.20.040, § 2.20.050, § 2.105.010, §
182 2.105.030, § 2.105.040, § 2.105.050 and § 3.30.460 of The Code of the City of Topeka,
183 Kansas, is hereby specifically repealed.

184 Section 11. This ordinance shall take effect and be in force from and after its
185 passage, approval and publication in the official City newspaper.

186 Section 12. This ordinance shall supersede all ordinances, resolutions or rules,
187 or portions thereof, which are in conflict with the provisions of this ordinance.

Section 13. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on December 20, 2022.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk