

1 Published in the Topeka Metro News June 4, 2003 and
2 June 11, 2003).

3
4 CHARTER ORDINANCE NO. 90

5
6 A CHARTER ORDINANCE introduced by Mayor Felker amending Charter
7 Ordinance No. 72, as amended and as codified in
8 Topeka City Code § A2-18, which allows the City
9 Council to establish redistricting Commission
10 procedures and membership requirements by
11 ordinary ordinance and repealing original said section
12 and provided substitute and additional provisions on
13 the same subject in accordance with the provisions of
14 Article 12, Section 5 of the Constitution of the State of
15 Kansas.
16

17 WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution,
18 hereinafter referred to as the "Constitution," cities of the State of Kansas, hereinafter
19 referred to as the "State," may by charter ordinance elect, in the manner prescribed in
20 the Constitution, that the whole or any part of any enactment of the State legislature
21 applying to such city, other than enactments of statewide concern applicable uniformly
22 to all cities; other enactments applicable uniformly to all cities; and enactments
23 prescribing limits of indebtedness, shall not apply to such city; and

24 WHEREAS, pursuant to the Constitution, no charter ordinance shall take effect
25 until sixty (60) days after its final publication; provided, however, if within sixty (60) days
26 of its final publication a petition signed by a number of electors of the city equal to not
27 less than ten percent (10%) of the number of electors who voted at the last preceding
28 regular city election shall be filed in the office of the clerk of such city demanding that
29 such ordinance be submitted to a vote of the electors, such charter ordinance shall not

take effect until submitted to a referendum and approved by a majority of the electors voting thereon; and

WHEREAS, selected portions of K.S.A. 12-10a02, 12-10a03, and 12-10a04, hereinafter referred to as the "Act," is an enactment of the State legislature which is applicable to the City of Topeka, Kansas, hereinafter referred to as the "City," but not uniformly applicable to all cities of the same class; and

WHEREAS, the Act is not an enactment of the legislature of statewide concern applicable uniformly to all cities; to other enactments of the legislature applicable uniformly to all cities; to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge, or other exaction; or to enactments of the legislature prescribing limits of indebtedness; and

WHEREAS, the governing body of the City has, in accordance with the Constitution, passed and approved its Charter Ordinance No. 72, October 18, 1988, as amended and as codified in Topeka City Code § A2-18 and published, recorded, and filed the same with the Secretary of the State, hereinafter referred to as "Charter Ordinance No. 72" and, as such, exempted itself from the Act and provided certain substitute and additional provisions to the Act; and

WHEREAS, the City now wishes to amend Charter Ordinance No. 72 which, in accordance with the provisions of the Constitution, may be accomplished only upon either the adoption of a charter ordinance of the City or by an enactment of the state legislature applicable to all cities of the State.

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

Section 1. That Topeka City Code § A2-18, Council Districts, is hereby
amended to read as follows:

Council districts.

(a) *Number of districts.* There shall be nine (9) council districts.

(b) *Council districts.* The districts from which the City of Topeka
councilmembers shall be nominated shall be based on the ward and precinct
descriptions as follows, effective January 1, 2003:

District Number	Ward	Precinct
1	2	11
	3	1, 2, 3, 4, 5, 6, 8, 9, 10
	7	1, 2, 3, 7, 8
2	1	1, 2, 3, 4, 5, 6, 7, 96
	2	1, 2, 3, 4, 5, 9, 10
3	2	6, 7, 8
	4	1, 2, 3, 4, 5, 6, 10,11, 12, 13
	6	1
4	4	7, 8, 9
	5	1, 2, 3, 4, 5, 6, 7,

		8, 9, 10, 11, 12, 13, 14, 91
5	6	2, 3, 4, 5, 6, 7, 8, 9, 10
	9	4, 5, 6, 9, 10, 11
	12	12
6	3	7
	8	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
	9	1, 2, 3
	10	8
7	9	8
	11	9, 10
	12	4, 5, 6, 7, 8, 9, 10, 11, 16, 17, 60, 70
	13	1, 4, 6, 7
8	11	1, 3, 4, 5, 6, 7, 8
	12	1, 2, 3, 13, 14, 15, 41
	13	2, 3, 5, 21, 22, 30
9	7	4, 5, 6, 9, 10, 11
	10	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12
	11	2
	12	19, 81, 91

61

62 (c) *Revision of boundary lines.* In July of 1992 and in July of every tenth

63 (10th) year thereafter, the council shall appoint a commission of electors of the city who

64 shall examine the plan of districts and shall, by September 30th of each such year,
65 recommend to the council such revisions in the boundary lines of the nine (9) districts
66 so as to meet the requirements stated below in subsection 2.3D [subsection (d) of this
67 section]. On or prior to December 31st of each such year, the council by ordinary
68 ordinance shall reestablish the district boundaries as recommended by the commission
69 of electors or shall reject in whole or in part the recommendations of the commission of
70 electors and reestablish the boundaries as it sees fit so as to meet the requirements
71 stated below in subsection (d). The council shall certify the boundaries so reestablished
72 to the election commission of Shawnee County. The commission appointed to
73 recommend revisions to district lines in 1992 and subsequent commissions shall have
74 at least one (1) elector from each district. The council may, by ordinary ordinance,
75 establish specific commission procedure and membership requirements consistent with
76 the general policies established by this Charter Ordinance.

77 Any territory hereafter annexed to or consolidated with the City of Topeka,
78 Kansas, shall at the time of such annexation or consolidation be added to an adjacent
79 district or districts by an ordinary ordinance of the council; provided, that if any territory
80 annexed or consolidated prior to June 1 of the year preceding a city election shall
81 contain qualified votes sufficient in number to upset the approximate equality of the
82 established districts, the council shall provide for redistricting the city in accord with the
83 procedures described in this section 2.3 [this section A2-18].

(d) *Requirements for reestablishing district boundary lines.* The boundary lines for the nine (9) districts from which district councilmembers shall be nominated shall be reestablished by the commission of electors and the council so as to:

(1) Contain within each district a population which to the greatest extent feasible is equal to one-ninth (1/9) of the total population of the city, but which under no circumstances shall be greater or less than one-ninth (1/9) of the total population of the city by more than two and one half percent (2.5) percent based on the most recent U.S. decennial or State of Kansas census.

(2) Maintain a reasonably compact area in each district and avoid any noncontiguous zones or any unusually exaggerated extension of district lines.

(3) Follow election precinct lines as established by the Shawnee County election commissioner and be described in terms of the wards and precincts contained in each district.

(4) Avoid use of number of registered voters by party or other partisan data.

(5) Maintain, as much as possible, the integrity of broadly cohesive areas of interest.

Section 2. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

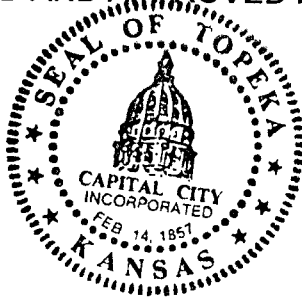
Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the

Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

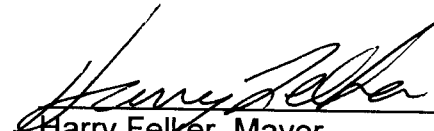
Section 4. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State of the State of Kansas.

Section 5. That Charter Ordinance No. 72, as amended and as codified in Topeka City Code § A2-18 is hereby specifically repealed.

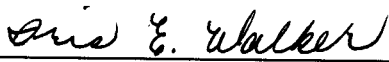
PASSED AND APPROVED by the Council of the City of Topeka May 27, 2003.



CITY OF TOPEKA, KANSAS


Harry Felker, Mayor

ATTEST:


Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY	
DATE <u>5/27/03</u>	BY <u>ISB</u>
TO BE CODIFIED <u>X</u>	
NOT TO BE CODIFIED _____	

126 **STATEMENT OF MANNER OF ADOPTION OF FOREGOING**
127

128 The foregoing Charter Ordinance No. 90 was passed on the 27th day of
129 May, 2003, as shown by the minutes, Book 2003 Page 202, by a vote of
130 9 for and 0 against, being not less than two-thirds (2/3) of the members-elect
131 of the governing body, published in the Topeka Metro News, the official city newspaper,
132 on the 4th day of June, 2003, and on the 11th day of June, 2003,
133 being once each week for two (2) consecutive weeks, and there being no petition
134 demanding a referendum filed with the City Clerk within sixty (60) days after the final
135 publication, said Charter Ordinance took effect on the 11th day of August, 2003.

136 Iris E. Walker
137 Iris E. Walker, City Clerk

138
139 CERTIFICATE

140 CITY OF TOPEKA)
141 COUNTY OF SHAWNEE) ss:
142 STATE OF KANSAS)
143

144 I, Iris E. Walker, City Clerk of the City of Topeka, County of Shawnee, State of
145 Kansas, do hereby certify that the above and foregoing, consisting of eight (8)
146 typewritten pages, including the page upon which this Certificate is written, is a full true
147 and correct copy of Charter Ordinance No. _____ of the said City of Topeka, that all
148 acts and things required by Article 12, Section 5 of the Constitution of the State of
149 Kansas were done and performed in the manner and within the time prescribed and that
150 said Ordinance became effective on the _____ day of _____, 2003.
151

152 _____
153 Iris E. Walker, City Clerk
154