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2 CHARTER ORDINANCE NO. 94

3 A CHARTER ORDINANCE introduced by Councilmembers Lisa Stubbs, Bill  
4 Haynes, Duane Pomeroy, Jeff Preisner, and Gary  
5 Price relating to a change in the form of government  
6 for the City of Topeka, Kansas, repealing Charter  
7 Ordinance Numbers 65, 66, 72, 73, 75, 87, 90 and 92  
8 and any other Ordinance in conflict herewith.

9  
10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

11 **ARTICLE I. FORM OF GOVERNMENT; POWERS**

12 **Section 1. Statutes made inapplicable.**

13 The City of Topeka, Kansas, by the power vested in it by article 12, section 5, of the  
14 Constitution of the State of Kansas, hereby elects to exempt itself from and make  
15 inapplicable to it the provisions of K.S.A. 12-3002, 13-103, 13-502, 13-506 through 13-  
16 516, 13-518, 13-527, 13-907, 13-1011, 13-1013, 13-1410, 13-2401 through 13-2412, 25-  
17 2107, 25-2110, 25-2110a and 25-2117, and provide substitute and additional provisions  
18 as hereinafter set forth in this Charter Ordinance. Such referenced provisions are either  
19 enactments or a part thereof which are applicable to this city but are not applicable  
20 uniformly to all cities.

21 **Section 2. Name, boundaries.**

22 The citizens of Topeka, in the County of Shawnee, State of Kansas, within the  
23 boundaries of the municipal corporation as now established and heretofore existing under  
24 the name of Topeka, or as hereafter established in the manner provided by law, shall  
25 continue to constitute a body corporate and politic in perpetual succession, under the

name of the City of Topeka, as a home-rule municipal corporation under Article 12, § 5, of the Constitution of the State of Kansas.

**Section 3. General powers.**

The city shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter Ordinance; provided, that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the state including those specifically applicable to cities of the first class; provided, also, that where the general laws of the state provide a procedure for the carrying out and the enforcement of any rights or powers belonging to the city, said procedure shall control and be followed unless a different procedure shall have been provided in the Charter Ordinance or by ordinance.

It is the intention of the people in adopting this charter ordinance to invoke the provisions of section 5 of article 12 of the Constitution of the State of Kansas giving cities Home Rule as to municipal affairs.

**Section 4. Form of government.**

The municipal government provided by this Charter Ordinance shall be known as the "Council-Manager government." All powers of the City of Topeka shall be exercised in the manner prescribed by this Charter Ordinance or, if the manner be not therein prescribed, then in such manner as may be prescribed by ordinance.

48        **Section 5.    Succession to rights and liabilities.**

49            The municipal corporation, the City of Topeka, shall continue to own, possess, and  
50 hold all the real and personal property heretofore owned, possessed, or held by the City,  
51 and shall continue to manage and dispose of all trusts in connection therewith and  
52 succeed to all the rights, benefits, and liabilities of the City.

53        **Section 6.    Powers of City.**

54            The City shall have all the powers granted to municipal corporations and to cities by  
55 the Constitution and general laws of this state, together with all the implied powers  
56 necessary to carry into execution all the powers granted. The enumeration of particular  
57 powers by this Charter Ordinance shall not be deemed to be exclusive, and in addition to  
58 the powers enumerated or implied, or appropriate to the exercise of such powers, it is  
59 intended that the City shall have and may exercise all powers of local self-government  
60 which, under the Constitution of this state, it would be competent for this Charter  
61 Ordinance specifically to enumerate.

62                            **ARTICLE II. CITY COUNCIL AND MAYOR**

63        **Section 7.    Composition and eligibility.**

64            (a)    *Composition.* The governing body shall be a ten (10) member body  
65 consisting of nine (9) district councilmembers and one (1) mayor. The nine (9) district  
66 councilmembers shall be nominated and elected from nine (9) districts of near equal  
67 population on a nonpartisan basis. Each council district shall be represented by one (1)  
68 district councilmember. The mayor shall be nominated and elected at large on a  
69 nonpartisan basis.



of the cast votes in the last city general election, whichever is less.

Each filing for district councilmember shall be accompanied by a filing fee of \$50.00; or, in lieu of such filing fee, by a petition signed by fifty (50) qualified electors of the council district.

**Section 8. Election and terms.**

(a) *Time of primary and general elections.* The primary city election for the mayor and district councilmembers shall be held on the Tuesday preceding by five (5) weeks the first Tuesday in April of 2005 and every two (2) years thereafter, and the general city election shall be held on the first Tuesday in April of 2005 and every two (2) years thereafter, both elections to be conducted in the manner prescribed in this Charter Ordinance and applicable state law.

(b) *Primary elections.* In 2005 and in each subsequent year in which the term of the mayor expires, if there are more than two (2) candidates who have filed for the office of mayor, a primary city election at large shall be held for the nomination of two (2) candidates for the office. Each qualified elector of the city shall be entitled to vote for one candidate. The two (2) candidates receiving the greatest number of votes cast shall be placed on the general city election ballot as the candidates nominated for election as mayor.

In 2005, and in each subsequent year in which the term of a district councilmember expires, if there are more than two (2) candidates who have filed for the office to be filled, a primary city election shall be held within each such district for the nomination of two (2) candidates from that district. Each qualified elector who is a

resident of the district shall be entitled to vote for one candidate from his or her district. The two (2) candidates from each such district receiving the greatest number of votes cast shall be placed on the general city election ballot as the candidates nominated for election from the district.

(c) *General elections.* In the general city election all qualified electors of the city shall be entitled to vote on the election of the mayor. Of the two (2) candidates nominated for the office of mayor, the candidate receiving the highest number of votes in the general election shall be elected mayor.

In the 2005 general city election each qualified elector who is a resident of the district shall be entitled to vote on the election of the district councilmember from that respective district in the election for districts 1, 3, 5, 7, and 9. The candidate receiving the highest number of votes in the general city election of the two (2) candidates nominated from those districts shall be elected as councilmember from those districts. In each subsequent year in which the term of a district councilmember expires, each qualified elector who is a resident of the district shall be entitled to vote in the city general election for the councilmember from his/her respective district.

(d) *Terms of office.* The mayor shall be elected to a four (4) year term. The district councilmembers shall be elected to staggered four (4) year terms. To maintain the district councilmember elections on a staggered basis, year 2005 elections will be held only for council positions in districts 1, 3, 5, 7, and 9. Districts 2, 4, 6, and 8 will continue to be represented by councilmembers elected in 2003, whose terms will expire in 2007.

**Section 9. 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:

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, 9, 6
	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

(c) *Revision of boundary lines* In July of 2012 and in July of every tenth (10th)

year thereafter, the Council shall appoint a commission of electors of the city who shall examine the plan of districts and shall, by September 30 of each such year, recommend to the Council such revisions in the boundary lines of the nine (9) districts so as to meet the requirements stated below in subsection (d) of this section. On or prior to December 31 of each such year, the Council by ordinary ordinance shall reestablish such district boundaries as recommended by the commission of electors or shall reject in whole or in part the recommendations of the commission of electors and reestablish the boundaries as it sees fit so as to meet the requirements stated below in subsection (d). The Council shall certify the boundaries so reestablished to the election commissioner of Shawnee County. The commission appointed to recommend revisions to district lines in 2012 and subsequent commissions shall have at least one (1) elector from each district. The council may, by ordinary ordinance, establish specific commission procedure and membership requirements consistent with the general policies established by this Charter Ordinance.

Any territory hereafter annexed to or consolidated with the City of Topeka, Kansas, shall at the time of such annexation or consolidation be added to an adjacent district or



159 districts by an ordinance of the Council; provided, that if any territory annexed or  
160 consolidated prior to June 1 of the year preceding a city election shall contain population  
161 sufficient in number to upset the approximate equality of the established districts, the  
162 Council shall provide for redistricting the city in accord with the procedures described in  
163 this section.

164 (d) *Requirements for reestablishing district boundary lines.* The boundary lines  
165 for District 1 through District 9 from which districts Councilmembers shall be elected shall  
166 be reestablished by the commission of electors and the Council so as to:

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

172 (2) maintain a reasonably compact area in each district and avoid when  
173 possible any noncontiguous zones or any unusually exaggerated extension of  
174 district lines;

175 (3) follow election precinct lines as established by the Shawnee County  
176 election commissioner and be described in terms of the wards and precincts  
177 contained in each district;

178 (4) avoid use of number of registered voters by party or other partisan  
179 data;

180 (5) maintain, as much as possible, the integrity of broadly cohesive

181 areas of interest;

182 (6) avoid boundary lines that result in a councilmember residing  
183 outside his or her elected district during the councilmember's current term of  
184 office.

185 Section 10. **Mayor: functions, powers and duties.**

186 The mayor shall be the chief elected officer of the city, responsible for providing  
187 leadership and taking issues to the people and marshalling public interest in and  
188 support for municipal activity. The mayor shall have the following powers, duties, and  
189 responsibilities:

190 The Mayor shall:

191 (a) Recommend to the council such measures and legislation as he or she  
192 deems necessary and to make such other recommendations to the council concerning  
193 the affairs of the city as he or she finds desirable.

194 (b) Encourage programs for the physical, economic, social, and cultural  
195 development of the city.

196 (c) Actively promote economic development to broaden and strengthen the  
197 commercial and employment base of the city.

198 (c) Serve as ceremonial head of the city.

199 (d) Represent the city in inter-governmental relations as directed by the council.

200 (e) Provide community leadership.

201 (f) Preside as chair of council meetings.

202 (g) Have no administrative powers.

(h) Have general veto power on all council legislation and "line-item" veto in all matters of appropriation ordinances.

**Section 11. Powers of the governing body.**

The council and mayor shall be the governing body of the city. It shall exercise the corporate powers of the city and, subject to the expressed limitations of this Charter Ordinance, it shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of Kansas. It shall have no administrative powers.

**Section 12. Organization of council.**

At its first regular meeting after a city election, the council shall:

(1) Establish by ordinary ordinance a regular schedule of meeting times and dates for the next two (2) years. Such schedule shall provide for no fewer than two (2) meetings each month.

(2) Elect a deputy mayor from among its members to serve a one year term. At the first regular Council meeting in April of the succeeding year, the Council shall elect from among its members a deputy mayor to serve for the second year. This term shall also be for one (1) year. The deputy mayor shall serve in the absence or temporary disability of the mayor.

**Section 13. Compensation; expenses.**

(a) At the first regular meeting of the council following voter approval of this Charter Ordinance, the council shall establish the annual compensation of the councilmembers and mayor. The annual compensation of the district councilmembers

shall not thereafter be increased or decreased except by ordinary ordinance, provided such ordinance is considered no more than once every four (4) years thereafter following voter approval of this Charter Ordinance.

(b) The mayor and district councilmembers shall receive payment of their actual and necessary expenses incurred in the performance of the duties of their office in such form and manner as the council may authorize.

**Section 14. Prohibitions.**

(a) *Holding other office.* Except as authorized by law, no councilmember nor mayor shall hold any other elected public office while serving the term for which the member was elected to the council. No councilmember nor mayor shall hold any other city office or employment during the term for which the member was elected to the council. No former councilmember nor mayor shall hold any compensated appointive city office or employment with the city until one year after the expiration of the term for which the member was elected to the council. For purposes of this section, the phrase "compensated appointive city office or employment" does not include the offices of district councilmember or mayor.

Nothing in this section shall be construed to prohibit the council from selecting any current or former councilmembers or the mayor to represent the city on the governing board of any regional or other intergovernmental agency.

(b) *Appointments and removals.* Neither the mayor nor individual councilmembers shall in any manner direct, supervise, or require the appointment, promotion, transfer, assignment, demotion, discipline, layoff, suspension, discharge, or

removal of any officers or employees whom the city manager or any of his or her subordinates are empowered to appoint. The mayor and councilmembers may, of course, express their views and fully and freely discuss with the city manager anything pertaining to appointment, demotion, transfer, assignment, suspension, discharge, and removal of such appointive officers and employees.

(c) *Council inquiries.* Except for the purpose of inquiries and investigations authorized by the council, the mayor and individual district councilmembers shall deal with appointive officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. Neither the mayor nor individual district councilmembers shall give orders to any such appointive officer or employee, either publicly or privately, but may request basic information necessary for council work.

**Section 15. Vacancies; forfeiture of office; filling of vacancies.**

(a) *Vacancies.* The office of district councilmember or mayor shall become vacant upon death, resignation, recall, removal from office in any manner authorized by law, failure of the electorate to elect an officeholder as provided for in Article II herein, or by forfeiture of office pursuant to K.S.A. 60-1205, as it may be amended.

(b) *Forfeiture of office.* A district councilmember or mayor shall ipso facto forfeit his or her office if he or she at any time during the term of office lacks any qualification for the office prescribed by this Charter Ordinance or other applicable law, or if he or she violates any other provision of this Charter Ordinance. A forfeiture does not occur if a district councilmember no longer resides in his or her elected district as a

269 result of redistricting.

270 (c) *Filling of vacancies.* A vacancy in the offices of mayor or district  
271 councilmember shall be filled by appointment of an elector qualified to fill the vacant  
272 position by a majority vote of the remaining members of the governing body. If such  
273 vacancy occurs before January 1 of an odd numbered year leaving an unexpired term  
274 of more than one (1) year, such unexpired term shall be filled at the next regular city  
275 primary and general election in the same manner as if the term were expiring and the  
276 term of the appointed member shall end upon election of a member for the unexpired  
277 term.

278 **Section 16. Council rules of procedure.**

279 (a) *Meetings.* The council shall meet regularly at least twice in every month at  
280 times and places as the council may prescribe by ordinary ordinance. Special meetings  
281 may be held on the call of the mayor or of four (4) or more district councilmembers in  
282 the manner prescribed by rules of the council.

283 (b) *Rules and journal.* The council shall determine its own rules and order of  
284 business and shall provide for keeping a journal of its proceedings.

285 (c) *Voting.* Five (5) members of the council shall constitute a quorum. All  
286 actions by the council shall be taken by the affirmative vote of five (5) or more members  
287 of the council, unless a greater or lesser number of votes is required by this Charter  
288 Ordinance, by the Statutes of Kansas, or by the Constitution of Kansas. The votes of all  
289 councilmembers shall be recorded in the journal.

290 (d) *Form.* Proposed ordinary ordinances and resolutions shall be introduced

291 in the council only in written or printed form. No ordinary ordinance shall contain more  
292 than one subject which shall be clearly expressed in its title. The enacting clause of all  
293 ordinary ordinances shall be: "Be it Ordained by the Council of the City of Topeka,  
294 Kansas:". Any ordinary ordinance which repeals or amends an existing ordinary  
295 ordinance or part of the Code of Ordinances of the city shall set out in full the sections  
296 or subsections to be repealed or amended, and shall indicate matter to be omitted by  
297 enclosing it in brackets or by strikeout type and shall indicate new matter by  
298 underscoring or by italics.

299 (e) *Procedure.* Except in the case of emergency ordinances, and except  
300 where Kansas statutes or other applicable law provide a different procedure for  
301 passage of ordinances for a specific purpose, every proposed ordinary ordinance shall  
302 be read by title in open council meeting two (2) times before final passage, and at least  
303 one (1) week shall elapse between introduction and final passage. A copy of each  
304 proposed ordinary ordinance shall be provided for each district councilmember and the  
305 mayor at the time of its introduction, and at least three (3) copies shall be provided for  
306 public inspection in the office of the city clerk or such other city officer as the council  
307 may designate until it is finally adopted or fails of adoption. Persons interested in a  
308 proposed ordinary ordinance shall be given an opportunity to be heard before the  
309 council in accordance with such rules and regulations as the council may adopt. If the  
310 council adopts an amendment to a proposed ordinary ordinance which constitutes a  
311 change in substance, the proposed ordinary ordinance as amended shall be placed on  
312 file for public inspection in the office of the city clerk or such other appointive officer as

313 the council may designate for one additional week before final passage.

314 (f) *Emergency ordinances.* An ordinary ordinance may be passed as an  
315 emergency measure on the day of its introduction if it contains a declaration describing  
316 in clear and specific terms the facts and reasons constituting the emergency. Neither an  
317 ordinance granting, reviewing, or extending a franchise, nor a charter ordinance, shall  
318 be passed as an emergency ordinance.

319 (g) *Publication.* The city clerk or such other city officer as the council may  
320 designate shall cause all ordinary ordinances, including but not limited to emergency  
321 ordinances, as soon as practicable after they have been passed and signed, to be  
322 published once in the official city newspaper, unless Kansas statutes or other  
323 applicable law require more publications.

324 (h) *Effective date.* Except in the case of emergency ordinances, and except  
325 where Kansas statutes otherwise specify, every adopted ordinary ordinance shall  
326 become effective upon its publication or at any later date specified therein. Emergency  
327 ordinances shall become effective upon passage or at any later date specified therein.

328 (i) *Signature, authentication and recording.* All ordinary ordinances and  
329 resolutions passed or adopted by the council shall be authenticated by the signatures of  
330 the mayor and city clerk or such other appointive officer as the council may designate.  
331 The city clerk or such other appointive officer as the council may designate shall record  
332 in a properly indexed "Ordinance Book" kept for the purpose of every ordinary  
333 ordinance, immediately after its publication, or in the case of emergency ordinances  
334 immediately after passage.



335 **ARTICLE III. CITY OFFICERS**

336 **Section 17. Designation as officers.**

337 In addition to the district councilmembers and the mayor, the officers of the city  
338 shall be the city manager, the city attorney, the city clerk, the city treasurer, and such  
339 department heads, members of boards or commissions, and executive officers of such  
340 boards and commissions as may be so designated by ordinance.

341 **ARTICLE IV. CITY MANAGER**

342 **Section 18. Appointment.**

343 The council shall appoint a city manager, who shall be the chief executive officer of  
344 the city. He or she shall be a person of demonstrated administrative ability with  
345 experience in a responsible, important executive capacity and shall be chosen solely on  
346 the basis of his or her executive and administrative qualifications, and knowledge of  
347 accepted practices for this position.

348 **Section 19. Acting city manager.**

349 The council shall designate a qualified employee to exercise the powers and  
350 perform the duties of city manager during any temporary absence or disability of the city  
351 manager.

352 **Section 20. Compensation and tenure.**

353 The city manager shall receive the salary fixed by the council. He or she shall be  
354 appointed for an indefinite term and shall serve at the pleasure of the council.

355 **Section 21. Powers of appointment and removal.**

356 The city manager shall be responsible to the council for the proper and efficient  
357 administration of all affairs of the city under his or her jurisdiction, and shall, subject to the  
358 provisions of the personnel policies of this city and except as otherwise provided in this  
359 Charter Ordinance, have the power to appoint, assign, reassign, discipline, and remove  
360 all directors or heads of departments and all employees under his or her jurisdiction. He  
361 or she may delegate to directors or other department heads responsible to him or her the  
362 authority to appoint, discipline, and remove subordinate employees, subject to the  
363 personnel policies of this city.

364 **Section 22. Duties.**

365  
366 The city manager shall have the power and it shall be his or her duty:

367 (a) To execute and enforce all laws and ordinances and policies of the council  
368 and to administer the affairs of the city.

369 (b) To sign all contracts binding the city, unless Council approval of the contract  
370 or subject matter is required by city ordinance or resolution, state or federal law, or other  
371 city officers or employees are specifically authorized by ordinance to approve and sign  
372 the contracts. This authority is subject to all legal and administrative reviews and  
373 approvals otherwise required by city ordinance.

374 (c) To attend all meetings of the council, and its committees, unless excused,  
375 and such meetings of boards and commissions as he or she chooses or which he or she  
376 is directed to attend by the council, and to participate in discussions at such meetings.

377 (d) To recommend to the council such measures and ordinances as he or  
378 she may deem necessary or expedient and to make such other recommendations to

379 the council concerning the affairs of the city as he or she finds desirable.

380 (e) To investigate affairs of the city under his or her supervision, or any  
381 franchise or contract for the proper performance of any obligation running to the city  
382 within his or her jurisdiction.

383 (f) To control and administer the financial affairs of the city.

384 (g) To prepare an annual budget for submission to the council.

385 (h) To prepare or cause to be prepared the plans, specifications, and  
386 contracts for work which the council may order.

387 (i) To supervise the purchasing of materials and supplies and to make  
388 recommendations to the council in connection with the awarding of public contracts and  
389 to see that all city contracts under his or her direction or that of the council are faithfully  
390 performed.

391 (j) To prepare and submit to the council such reports as it may require or that  
392 the city manager deems appropriate.

393 (k) To keep the council at all times fully advised as to the financial condition  
394 and needs of the city.

395 (l) To prescribe such general rules and regulations as he or she may deem  
396 necessary or expedient to the general conduct of the administrative departments under  
397 his or her jurisdiction.

398 (m) When directed by the council, to represent the city in its intergovernmental  
399 relations and to negotiate contracts for joint governmental actions, subject to council  
400 approval.

- 401           (n)    To devote his or her entire time to the duties and interest of the city.
- 402           (o)    To perform such other duties as may be prescribed by this Charter
- 403 Ordinance or by ordinance or resolution.
- 404           (p)    To provide the council by February 28 with a written report of the city's
- 405 financial condition and administrative activities for the prior fiscal year.
- 406           (q)    To recommend organization of departments and divisions in the most
- 407 efficient and economical manner.
- 408           (r)    To prepare the agenda for the conduct of business at council meetings.

## 409                               **ARTICLE V. ADMINISTRATIVE ORGANIZATION**

### 410           Section 23. Administrative organization authorized.

411           The city manager shall prepare and propose an ordinance providing the form of

412 organization through which the functions of the city under the jurisdiction of the city

413 manager are to be administered. Any combination of authorized duties, powers, and

414 functions which in the judgment of the council will provide the most efficient and

415 economical service possible, consistent with the public interest and in keeping with

416 accepted principles of municipal administration, may be authorized by such ordinance.

417 All departments or other administrative agencies so created shall be administered by

418 the city manager or by a department head or other officer appointed by and responsible

419 to him or her.

### 420           Section 24. Boards and commissions.

421           The council may create by ordinance such operational, advisory, appellate, or rule-

422 making boards and commissions as may be required for the proper operation of any

function or agency of the city and prescribe their function, duties, powers, jurisdiction, and the number of board and commission members, their terms, compensation, and reimbursement for expenses, if any, subject to the provisions of this article. The mayor shall solicit nominations from the council for filling such positions and shall notify councilmembers of vacancies on such existing bodies prior to the expiration of the appointed terms. Members of boards and commissions shall be appointed by the mayor from the list of nominees submitted by the council and shall be subject to confirmation by the affirmative vote of five (5) members of the council and may be removed for cause, after hearing, by the affirmative vote of at least five (5) members of the council. Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made.

## **ARTICLE VI. TRANSITION PROVISIONS**

### **Section 25. Interim governing body.**

Upon approval of this Charter Ordinance by majority vote of the electors of Topeka, Kansas, voting thereon, the mayor and council holding office at the time of such election shall continue in office as an interim governing body, holding all powers and duties as specified in the Kansas Constitution, Kansas statutes, and the charter ordinances and ordinary ordinances of Topeka, Kansas, until the commencement of the term of office of the newly elected council.

### **Section 26. Transition to new form.**

During the period subsequent to approval of this Charter Ordinance by the electors of Topeka, Kansas, and prior to the time of the first (1<sup>st</sup>) meeting of the newly elected

council, the mayor and council holding office at the time of such election as interim governing body shall provide for the development of recommendations and proposals and take whatever other steps are needed to aid the new council in making the transition from the strong mayor/council form to the council-manager form of government as provided in this Charter Ordinance and may appoint special committees or commissions of electors for this purpose.

**Section 27. Schedule of implementation.**

(a) *Time of taking partial effect.* At the time of its approval by the electors of the city, this Charter Ordinance shall be in effect only to the extent necessary to carry out the provisions of this article VI, and to provide for the first (1<sup>st</sup>) election of the mayor and councilmembers of the council. The newly elected council shall adopt or maintain ordinances or take whatever steps, if any, are required to cause such election to be held in accord with this Charter Ordinance and applicable laws of Kansas.

(b) *Time of taking full effect.* This Charter Ordinance shall be in full effect for all purposes on and after the date and time of the first (1<sup>st</sup>) meeting of the newly elected council.

(c) *First (1<sup>st</sup>) meeting of the council.* On Tuesday, April 12, 2005, at 7:00 p.m., the newly elected council shall hold its first (1<sup>st</sup>) regular meeting for the purpose of:

(1) appointing an acting city manager, and considering and initiating the employment of a city manager;

(2) adopting any ordinary ordinances and resolutions necessary to effect the transition of government under this Charter Ordinance and to maintain effective

467 government;

468 (3) choosing one (1) of its members for the office of deputy mayor;

469 (4) introducing an ordinary ordinance establishing a regular schedule of  
470 meeting times and dates for the next two (2) years consistent with the provisions of  
471 this Charter Ordinance;

472 (5) such other business as may be necessary and appropriate.

473 **Section 28. Preservation of existing offices.**

474 During the period subsequent to approval of this Charter Ordinance by the electors  
475 of Topeka, Kansas, and prior to the time of the first (1<sup>st</sup>) meeting of the newly elected  
476 council, the mayor and the council holding office at the time of such election as interim  
477 governing body shall maintain by ordinary ordinances the city offices as they shall exist at  
478 the time of approval of this Charter Ordinance by the electors of the city. Such ordinary  
479 ordinances shall prescribe the functions, organization, and all rules and regulations for  
480 operation of said offices as they are now prescribed in Kansas statutes or in charter  
481 ordinances of the City of Topeka, Kansas.

482 **Section 29. Preservation of civil service commission.**

483 During the period subsequent to the approval of this Charter Ordinance by the  
484 electors of Topeka, Kansas, and prior to the time of the first (1<sup>st</sup>) meeting of the newly  
485 elected council, the mayor and the council holding office at the time of such election as  
486 interim governing body shall maintain by ordinary ordinance the civil service commission  
487 and civil service system as it shall exist at the time of approval of this Charter Ordinance  
488 by the electors of the city. Such ordinary ordinance shall prescribe the functions and

organization of said civil service system as they are then prescribed in Kansas statutes, in charter ordinances of the City of Topeka, Kansas, or in other applicable law. The existing regulations for operation of said civil service system heretofore adopted by the civil service commission and codified as chapter 106, article II of the Code of the City of Topeka, shall remain in effect until replaced or continued in effect by any successor civil service commission, if any be provided for in subsequent ordinary ordinances enacted.

**Section 30. Preservation of rights and privileges.**

(a) Except as otherwise provided in this Charter Ordinance, the incumbents in all appointive offices and positions of employment appointed prior to 7:00 p.m. on April 12, 2005, whose terms have not expired or who are serving indefinite terms at the time of the first (1<sup>st</sup>) meeting of the newly elected council shall not be subject to competitive tests as a condition of continuation in the same office or position of employment and shall continue in their respective offices and positions of employment under this Charter Ordinance until their respective terms expire or until their services are terminated in accordance with the provisions of this Charter Ordinance, ordinary ordinances, or any administrative or personnel codes subsequently enacted. It is hereby declared to be the desire of the people of the city that every such appointive officer or employee shall be continued in the service of the city if he or she is qualified and if the good of the city permits, but this general statement of desire shall not limit the power of appointment and removal.

(b) No officer or employee who has been appointed to a position in the competitive class of the civil service system of the city prior to the time of approval of this



511 Charter Ordinance by the electors of the city shall be removed from the appointive office  
512 or position of employment he or she holds at the time of such approval, or thereafter,  
513 except in the manner prescribed by the civil service statutes, ordinances, regulations, or  
514 applicable memoranda of agreement in force at the time such removal is sought, or in the  
515 manner prescribed by any subsequently adopted personnel code.

516 (c) The incumbent members of statutory and nonstatutory boards,  
517 commissions, and other plural authorities appointed prior to April 12, 2005, at 7:00 p.m.  
518 shall serve until their terms expire and thereafter until their successors are selected and  
519 qualify.

520 **Section 31. Ordinances to remain in effect.**

521 All Charter ordinances, ordinances, resolution, policies, rules, and regulations in  
522 force at the time this Charter Ordinance takes full effect, which are not inconsistent with  
523 the provisions of this Charter Ordinance, shall remain and be in force until altered,  
524 modified, or repealed by or under authority of this Charter Ordinance unless specifically  
525 repealed herein.

526 **Section 32. Pending actions and proceedings.**

527 No action or proceeding, civil or criminal, brought by or against the city or any  
528 appointive or elective officer or employee thereof, and which is pending at the time this  
529 Charter Ordinance shall take effect, shall be affected or abated by the adoption of this  
530 Charter Ordinance.

531 **Section 33. Continuation of contracts, public improvements, and taxes.**

532 All contracts and memoranda of agreement entered into by the city, or for its

benefit, prior to the taking full effect of this Charter Ordinance, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter Ordinance takes full effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the city which are uncollected at the time this Charter Ordinance becomes fully effective, shall continue in full force and effect and shall be collected as if no change had been made.

**Section 34. Severability.**

If any provision of this Charter Ordinance is held invalid, the other provisions of the Charter Ordinance shall not be affected thereby. If the application of the Charter Ordinance or any of its provisions to any person or circumstance is held invalid, the application of the Charter Ordinance and its provisions to other persons or circumstances shall not be affected thereby.

**Section 35.** Charter Ordinances Nos. 65, 66, 72, 73, 75, 87, 90 and 92 and any other provisions contrary to or inconsistent with the provisions of this Charter Ordinance are hereby specifically repealed.

**Section 36. Publication of charter ordinance.**

This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**Section 37. Election on charter ordinance.**

This is a charter ordinance and its effect is hereby made subject to a vote of the

electors of the City of Topeka, Kansas. It shall take effect in the manner set out in  
Section 27 above, only if approved by a majority of the electors voting thereon.

PASSED and APPROVED by the City Council JUL 20 2004.



James A. McClinton  
James A. McClinton, Mayor

ATTEST:

Iris E. Walker  
Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE 7/22/04 BY Bl

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 94 was passed on the 20th day of  
July, 2004, as shown by the minutes, Book 2004 Page  
303, by a vote of 6 for and 3 against, being not less than  
2/3 of the members-elect of the governing body, published in the Topeka Metro News, the  
official city newspaper, on the 28th day of July, 2004, and on the 4th  
day of August, 2004, being once each week for two (2) consecutive weeks,  
and the governing body deciding to submit the ordinance to a referendum without a  
petition, the governing body passed Ordinance No. 18299 on the 27th day of  
July, 2004, calling an election to be held on said ordinance on the  
2nd day of November, 2004, said ordinance being published in the  
Topeka Metro News, the official city newspaper on August 4,  
August 11, and August 18, 2004, being once  
each week for three (3) consecutive weeks and such election was duly held and majority

MANAGER-COUNCIL

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FOG7rev-Haynes.Stubbs.Pomeroy.Preisner.Price  
July 22, 2004

583 of the electors voting thereon approving the ordinance, the ordinance took effect.

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Iris E. Walker  
Iris E. Walker, City Clerk

CERTIFICATE

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CITY OF TOPEKA )

591

COUNTY OF SHAWNEE ) ss:

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STATE OF KANSAS )

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594

I, Iris E. Walker, City Clerk of the City of Topeka, County of Shawnee, State of Kansas do hereby certify that the above and foregoing, consisting of 28 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. \_\_\_\_\_ of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Iris E. Walker  
Iris E. Walker, City Clerk