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2 (Published in the Topeka Metro News June 21, 2006 and June 28, 2006)
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5 CHARTER ORDINANCE NO. 96
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7 A CHARTER ORDINANCE introduced by Councilmember Brett Blackburn relating to
8 the City of Topeka's governing body, amending Topeka
9 City Code §§ A2-21, A2-24, A2-25 and A2-29, and
10 specifically repealing said original sections.
11

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

13 Section 1. That City of Topeka Code § A2-21, Composition and eligibility is
14 hereby amended to read as follows:

15 **Composition and eligibility.**

16 (a) *Composition.* The governing body shall be a ten (10) member body
17 consisting of nine (9) district Councilmembers and one (1) Mayor. The nine (9) district
18 Councilmembers shall be nominated and elected from nine (9) districts of near equal
19 population on a nonpartisan basis. Each council district shall be represented by one (1)
20 district Councilmember. The Mayor shall be nominated and elected at large on a
21 nonpartisan basis.

22 (b) *Residency requirements.* The Mayor and each district Councilmember
23 shall be a citizen of the United States, shall be at least eighteen (18) years of age and
24 a qualified elector of Topeka, Kansas, and must reside in the city at the time of filing
25 for election and thereafter for the duration of their terms. District Councilmembers shall
26 be residents of their respective districts at the time of filing for election and thereafter
27 for the duration of their terms. This residency requirement is not violated if a district

28 Councilmember no longer resides in his or her elected district as a result of
29 redistricting. Candidates for Mayor or Councilmember shall disclose any felony
30 conviction at the time of filing for office.

31 (c) *Eligibility.* Any person desiring to become a candidate for Mayor or
32 Councilmember shall file with the City Clerk, or such appointive officer as the Council
33 may designate, before the filing deadline a statement of such candidacy on a form
34 furnished by the City Clerk or by such appointive officer as the Council may designate.
35 The City Clerk or other appointive officer receiving any filing under this section shall
36 record the same and transmit it, together with the filing fee or petition herein provided,
37 forthwith to the Shawnee County Election Commission. The fact that a
38 Councilmember may be determined to have lacked any or all qualifications for the
39 office of Councilmember during all or any portion of his or her term of office shall not
40 affect the validity of any action taken by the Council during such Councilmember's term
41 of office. Each filing for Mayor shall be accompanied by a filing fee of one hundred
42 dollars (\$100.00); or, in lieu of such filing fee, by a petition signed by one hundred
43 (100) qualified electors of the city or one (1) percent of the cast votes in the last city
44 general election, whichever is less. Each filing for district Councilmember shall be
45 accompanied by a filing fee of fifty dollars (\$50.00); or, in lieu of such filing fee, by a
46 petition signed by fifty (50) qualified electors of the council district.

47 (d) This section A2-21 of the charter ordinances of the City of Topeka shall
48 only be amended or repealed upon approval by a majority of the electors voting during

49 an election called for such purpose.

50 Section 2. That City of Topeka Code § A2-24, Mayor: functions, powers and
51 duties, is hereby amended to read as follows:

52 **Mayor: functions, powers and duties.**

53 (a) The Mayor shall be the chief elected officer of the city, responsible for
54 providing leadership and taking issues to the people and marshalling public interest in
55 and support for municipal activity. The Mayor shall have the following powers, duties,
56 and responsibilities:

57 The Mayor shall:

58 ~~(a)~~(i) Recommend to the Council such measures and legislation as he or she
59 deems necessary and to make such other recommendations to the Council concerning
60 the affairs of the city as he or she finds desirable, but shall not have a vote on any
61 matter before the governing body, except charter ordinances or as otherwise
62 specifically provided by charter ordinance of the City of Topeka.

63 ~~(b)~~(ii) Encourage programs for the physical, economic, social, and cultural
64 development of the city.

65 ~~(c)~~(iii) Actively promote economic development to broaden and strengthen the
66 commercial and employment base of the city.

67 ~~(d)~~(iv) Serve as ceremonial head of the city.

68 ~~(e)~~(v) Represent the city in intergovernmental relations as directed by the
69 Council.

70 (e)(vi) Provide community leadership.

71 (f)(vii) Preside as Chair of Council meetings.

72 (g)(viii) Have no administrative powers.

73 (h)(ix) Have general veto power on all council legislation and "line item" veto in
74 all matters of appropriation ordinances, but shall not have authority to veto charter
75 ordinances. The Mayor shall have no vote on any matter that comes before the
76 governing body, except on charter ordinances and as otherwise specifically provided
77 by charter ordinance of the City of Topeka.

78 (b) This section A2-24 of the charter ordinances of the City of Topeka shall
79 only be amended or repealed upon approval by a majority of the electors voting during
80 an election called for such purpose.

81 Section 3. That City of Topeka Code §A2-25 Powers of the governing body, is
82 hereby amended to read as follows:

83 **Powers of the governing body.**

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

89 (b) This section A2-25 of the charter ordinances of the City of Topeka shall
90 only be amended or repealed upon approval by a majority of the electors voting during

91 an election called for such purpose.

92 Section 4. That City of Topeka Code § A2-29, Vacancies; forfeiture of office;
93 filling of vacancies, is hereby amended to read as follows:

94 **Vacancies; forfeiture of office; filling of vacancies.**

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

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

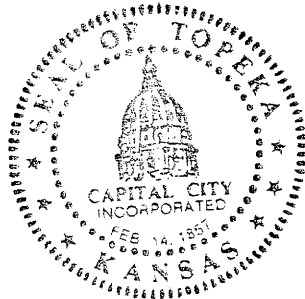
105 (c) *Filling of vacancies.* A vacancy in the offices of Mayor or district
106 Councilmember shall be filled by appointment of an elector qualified to fill the vacant
107 position by a majority vote of the remaining members of the governing body, including
108 the Mayor. If such vacancy occurs before January 1 of an odd numbered year leaving
109 an unexpired term of more than one (1) year, such unexpired term shall be filled at the
110 next regular city primary and general election in the same manner as if the term were
111 expiring and the term of the appointed member shall end upon election of a member

112 for the unexpired term.

113 Section 5. That City of Topeka Code §§ A2-21, A2-24, A2-25, and A2-29 are
114 hereby specifically repealed.

115 Section 6. This charter ordinance shall take effect and be in force the 61st day
116 after its passage, approval and final publication in the official city newspaper, unless a
117 valid petition demanding a referendum is filed with the city clerk within 60 days after the
118 final publication.

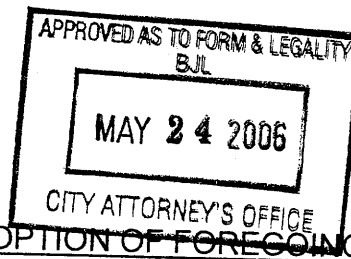
119 PASSED and APPROVED by the City Council MAY 23 2006
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124 William W. Buntten, Mayor

125 ATTEST:

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130 Iris E. Walker, City Clerk



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132 STATEMENT OF MANNER OF ADOPTION OF FOREGOING
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134 The foregoing Charter Ordinance No. 96 was passed on the 23rd day of
135 May, 2006, as shown by the minutes, Book 2006 Page
136 261, by a vote of 8 for and 0 against, being not less than
137 2/3 of the members-elect of the governing body, published in the Topeka Metro News,
138 the official city newspaper, on the 21st day of June, 2006, and on the
139 28th day of June, 2006, being once each week for two consecutive
140 weeks, and there being no petition demanding a referendum filed with the City Clerk

141 within sixty days after the final publication, said charter ordinance took effect on the
142 28th day of August, 2006.
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146 _____
147 Iris E. Walker, City Clerk
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152 CERTIFICATE
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154 CITY OF TOPEKA)
155 COUNTY OF SHAWNEE) ss:
156 STATE OF KANSAS)
157

158 I, Iris E. Walker, City Clerk of the City of Topeka, County of Shawnee, State of
159 Kansas do hereby certify that the above and foregoing, consisting of 7 typewritten pages,
160 including the page upon which this Certificate is written, is a full true and correct copy of
161 Charter Ordinance No. _____ of the said City of Topeka, that all acts and things
162 required by Article 12, Section 5 of the Constitution of the State of Kansas were done
163 and performed in the manner and within the time prescribed and that said Ordinance
164 became effective on the _____ day of _____, 20____.
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Iris E. Walker, City Clerk