CHARTER ORDINANCE NO. 99

A CHARTER ORDINANCE introduced by Councilmember Deborah Swank, amending City of Topeka Code § A9-1, § A9-2, § A9-18 and repealing said original sections and also creating new § A2-18.5 all concerning the Metropolitan Transit Authority.

WHEREAS, Charter Ordinance No. 19, adopted and approved January 30, 1973, generally adopted the provisions of the Metropolitan Transit Authority Act K.S.A. 12-2801, et seq., concerning the metropolitan transit authority and made inapplicable to the City of Topeka and provided substitute provisions for K.S.A. 12-2814 relating to the tax levy; and

WHEREAS, Charter Ordinance No. 23, adopted and approved May 15, 1973, made inapplicable to the City of Topeka and provided substitute provisions for K.S.A. 12-2808, 12-2809, 12-2815, 12-2818, 12-2819, 12-2820 and 12-2826; and

WHEREAS, Charter Ordinance No. 52, adopted and approved December 9, 1980, made inapplicable to the City of Topeka and provided substitute provisions for K.S.A. 12-2821, 12-2832 and 12-2834; and

WHEREAS, it is further necessary to make inapplicable to the City of Topeka and provide substitute provisions for K.S.A. 12-2816 which relate to the transit board; and

WHEREAS, City of Topeka Code § A9-1 must be amended to reflect the actions of Charter Ordinance No. 19, Charter Ordinance No. 23, Charter Ordinance No. 52 and this Charter Ordinance.

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

Section 1. That Section 1 of Charter Ordinance No. 19, codified as Section A9-1, Adoption of metropolitan transit authority act, of The Code of the City of Topeka, Kansas, is
hereby amended to read as follows:

**Adoption of metropolitan transit authority act.**

The City of Topeka, Kansas, a municipal corporation, hereby adopts the provisions of the metropolitan transit authority act contained in K.S.A. 12-2801 through 12-2840, as amended, subject to the approval thereof at the city election on April 3, 1973, and subject to the exemptions and substitutions hereinafter contained.

The City of Topeka, Kansas, a municipal corporation, by the power vested in it pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make inapplicable to it, and exempts itself from the provisions of K.S.A. 12-2808, 12-2809, 12-2814, 12-2815, 12-2816, 12-2818, 12-2819, 12-2820, 12-2821, 12-2826, 12-2832 and 12-2834 and provides substitute and additional provisions on the same subject of public transportation systems.

**Section 2.** That Section 3 of Charter Ordinance No. 19, as amended by Charter Ordinance No. 50 § 1 and Charter Ordinance No. 82 § 1, codified as § A9-2, Levy of tax, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Levy of tax.**

The governing body of the City of Topeka, Kansas may levy a tax not to exceed three (3) mills each year for 2010. For 2011 and subsequent years the levy may not exceed three (3) mills each year. The mill levy shall be upon all the taxable tangible property within such city, as authorized by ordinance of the city, the proceeds of such tax levy to be used by the metropolitan transit authority of Topeka, Kansas, created by this Charter Ordinance No. 19, to carry out its duties under the metropolitan transit authority act, as amended.
Section 3. That Section 4 of Charter Ordinance No. 23, as amended by Charter Ordinance No. 52 § 2, codified as § A9-18, Transit board—Creation; compensation, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Transit board—Creation; compensation.

The governing and administrative body of the authority shall be a board consisting of seven (7) members, to be known as the transit board. Members of the board shall be residents of the metropolitan area and individuals of recognized business ability.

Each member of the initial board shall be compensated at the rate of $20.00 per diem for each day or part thereof spent in meetings of the board, not to exceed $500.00 in any calendar year. The compensation of successor members of the board shall be fixed by the board. No board member shall be allowed any fees, prerequisites or emoluments, reward or compensation for his or her services as a member or officer of the authority aside from his or her salary, but the individual shall be reimbursed for actual expenses incurred by the individual in the performance of his or her duties.

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered A2-18.5, which said section reads as follows:

Transit board—Appointment of board; terms.

Appointment. Members of the board shall be appointed and may be removed in the manner specified in Charter Ordinance No. 94, Section 24, as codified at Section A2-72.

Terms. The term of any board member shall be for four years from the date of his or her appointment. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term, the position will remain vacant until such a successor is appointed. Vacancies shall be filled for any unexpired term in the same manner as
appointments. The city clerk shall certify the action of the council with respect to such
appointments and file such certificates as part of the records of the office of the city clerk.

Section 5. That Section 1 of Charter Ordinance No. 19, as amended and
codified at City of Topeka Code § A9-1; Section 3 of Charter Ordinance 19, as amended
and codified at City of Topeka Code § A9-2; and Section 4 of Charter Ordinance No. 23, as
amended and codified at City of Topeka Code § A9-18 are hereby specifically repealed.

Section 6. This Ordinance shall be published once each week for two (2)
consecutive weeks in the official City newspaper.

Section 7. 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 8. 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.

PASSED AND APPROVED by the Governing Body May 12, 2009.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

Brenda Younger, City Clerk
STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 99 was passed on the 12th day of May, 2009, as shown by the minutes, Book 09 Page 142, by a vote of 7 for and 3 against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 15th day of May, 2009, and on the 22nd day of May, 2009, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the 22nd day of July, 2009.

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Brenda Younger, City Clerk

CERTIFICATE

CITY OF TOPEKA )
COUNTY OF SHAWNEE ) ss:
STATE OF KANSAS )

I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of Kansas, do hereby certify that the above and foregoing, consisting of 6 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 99 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 Charter Ordinance became effective on the 22nd day of July, 2009.

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Brenda Younger, City Clerk