

1 (Published in the Topeka Metro News June 17, 2024 and June 24, 2024)

2
3 **CHARTER ORDINANCE NO. 124**

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5 A CHARTER ORDINANCE introduced by Councilmember Neil Dobler regarding
6 powers of appointment and removal, amending § 19 and §
7 21 of Charter Ordinance No. 94, codified at A2-52 and A2-
8 54 of the Topeka Municipal Code.

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

11 Section 1. That § 19 of Charter Ordinance No. 94, codified at A2-52 of Code
12 of the City of Topeka, Kansas, is hereby amended to read as follows:

13 **Acting City Manager.**

14 The ~~Council~~Governing Body shall designate a qualified person, including an
15 employee to exercise the powers and perform the duties of City Manager during any
16 temporary absence or disability of the City Manager.

17 Section 2. That § 21 of Charter Ordinance No. 94, codified at A2-54 of Code
18 of the City of Topeka, Kansas, is hereby amended to read as follows:

19 **Powers of appointment and removal.**

20 (a) The City Manager shall be responsible to the ~~Council~~Governing Body for
21 the proper and efficient administration of all affairs of the city under his or her
22 jurisdiction, and shall, subject to the provisions of the personnel policies of this city and
23 except as otherwise provided in this Charter Ordinance, have the power to appoint,
24 assign, reassign, discipline, and remove all directors or heads of departments and all
25 employees under ~~his or her~~the City Manager's jurisdiction. ~~He or she~~The City Manager
26 may delegate to directors or other department heads ~~responsible to him or her~~ the
27 authority to appoint, discipline, and remove subordinate employees, subject to the

28 personnel policies of this city.

29 **(b)** Notwithstanding subsection (a), in recognition that the City Attorney
30 represents the municipal corporation rather than any one Governing Body member or
31 employee and that conflicts may arise, prior to appointment, the City Manager shall give
32 the Governing Body a meaningful opportunity to provide input on the City Manager's
33 proposed appointee for City Attorney. Additionally, the City Manager cannot remove the
34 City Attorney unless approved by the Governing Body. In accordance with Charter
35 Ordinances 94 §11 and 96 §3 as codified in Section A2-25 of the Topeka Municipal
36 Code, the Governing Body shall have no unilateral removal power of the City Attorney.

37 **Section 3.** This Ordinance shall be published once each week for two (2)
38 consecutive weeks in the official City newspaper.

39 **Section 4.** This Charter Ordinance shall take effect sixty-one (61) days after
40 final publication unless a sufficient petition for a referendum is filed and a referendum
41 held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3),
42 of the Kansas Constitution, in which case this Charter Ordinance shall become effective
43 if approved by a majority of the electors voting therein.

44 **Section 5.** Upon the effective date of this Charter Ordinance, this Charter
45 Ordinance shall be recorded by the City Clerk in a book maintained for such purposes
46 with a statement of the manner of adoption and a certified copy shall be filed with the
47 Secretary of State of the State of Kansas.

48 **Section 6.** That Charter Ordinance No. 94, § 19 and § 21, as codified at § A2-
49 52 and § A2-54, are hereby specifically repealed.

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51 PASSED AND APPROVED by the Governing Body on June 11, 2024.

52 CITY OF TOPEKA, KANSAS

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Michael A. Padilla, Mayor

58 ATTEST:

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Brenda Younger, City Clerk

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65 **STATEMENT OF MANNER OF ADOPTION OF FOREGOING**

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67 The foregoing Charter Ordinance No. 124 was passed on the 11th day of June ,
68 2024, as shown by the minutes, Book 2024 Page ___ by a vote of 10 for and 0 against,
69 being not less than two-thirds (2/3) of the members-elect of the governing body,
70 published in the Topeka Metro News, the official city newspaper, on the 17th day of
71 June, 2024, and on the 24th day of June, 2024, being once each week for two (2)
72 consecutive weeks, and there being no petition demanding a referendum filed with the
73 City Clerk within sixty (60) days after the final publication, said Charter Ordinance took
74 effect on the 24th day of August, 2024.

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77 _____
Brenda Younger, City Clerk

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79 CERTIFICATE

80 CITY OF TOPEKA)
81 COUNTY OF SHAWNEE) ss:
82 STATE OF KANSAS)

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84 I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of
85 Kansas, do hereby certify that the above and foregoing, consisting of 4 typewritten
86 pages, including the page upon which this Certificate is written, is a full true and correct
87 copy of Charter Ordinance No. 124 of the said City of Topeka, that all acts and things
88 required by Article 12, Section 5 of the Constitution of the State of Kansas were done
89 and performed in the manner and within the time prescribed and that said Ordinance
90 became effective on the 24th day of August, 2024.

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Brenda Younger, City Clerk