

(Published in the Topeka Metro News September 3, 2008)

**ORDINANCE NO. 19153**

AN ORDINANCE introduced by Councilmember John Alcala, amending City of Topeka Code § 146-17, as amended by Section 1 of Ordinance No. 19129 concerning the utility franchise fee refund program and specifically repealing said original section.

WHEREAS, the City Council on July 15, 2008, passed Ordinance No. 19129 which changed the deadline for applications for utility franchise fee refunds from July 15 to September 5 of each year; and

WHEREAS, the Council desires to extend the application deadline to November 5 for 2008.

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

Section 1. That Section 1 of City of Topeka Ordinance No. 19129 is hereby amended to read as follows:

**Utility franchise fee refund program.**

(a) *Established.* There is hereby established a utility franchise fee refund program in the City of Topeka. Subject to the terms and conditions established herein, eligible gas and electric utility ratepayers in the City of Topeka may receive a refund of gas and electric franchise fees paid by the ratepayer for property located within the city.

(b) *Eligibility.* Commencing for the tax year of 2006 only those ratepayers who fit the income, age, dependents and other requirements of the State of Kansas Homestead Property Tax Refund law, as amended from time to time, and actually receive a refund from the State of Kansas Homestead Property Tax Refund program, as provided in K.S.A. § 79-4501 et seq., (as amended), may receive franchise fee refunds as provided herein.

30 (c) *Refund procedure.* Franchise fee refunds shall be issued pursuant to the  
31 following procedure:

32 (1) Application for a franchise fee refund shall be processed if received  
33 by the city on or before November 5 for 2008 and on or before September 5 for  
34 each subsequent year for refunds of franchise fees paid for the preceding  
35 calendar year.

36 (2) Applications shall be made on a form approved by the City of  
37 Topeka Director of Administrative and Financial Services and shall be  
38 accompanied by the following documents and information:

39 a. Copy of the ratepayer's homestead property tax refund claim  
40 form or verification obtained by the City of Topeka Director of  
41 Administrative and Financial Services for the preceding calendar year for  
42 the residence for which gas and electric utility franchise fees have been  
43 paid.

44 b. Proof of payment or approval of a homestead property tax  
45 refund for the preceding calendar year for the residence for which gas and  
46 electric utility franchise fees have been paid.

47 c. Proof in a form acceptable to the City of Topeka Director of  
48 Administrative and Financial Services that franchise fees in the claimed  
49 amount have been paid by the ratepayer for the identified residence.

50 (3) Upon receipt of the required application, documents and  
51 information, the City of Topeka Director of Administrative and Financial Services  
52 shall, within 30 days, either issue a refund of the claimed franchise fees to the  
53 ratepayer or, if the refund application is rejected for any reason, notify the

ratepayer of the reason for the rejection.

(4) A ratepayer whose application is rejected may appeal the rejection to the City of Topeka City Manager whose decision on the matter shall be deemed final and unappealable.

Section 2. That original section 146-17 of The Code of the City of Topeka, Kansas, as amended by Ordinance No. 19129 is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council August 26, 2008.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk