

(Published in the Topeka Metro News December 12, 2011)

ORDINANCE NO. 19677

AN ORDINANCE introduced by Daniel R. Stanley, Interim City Manager, concerning the Parks and Recreation and Golf Course advisory boards, amending City of Topeka Code § 2.05.010 and specifically repealing said original section as well as repealing § 2.90.010 through § 2.90.080 and § 11.30.050 through § 11.30.120.

BE IT ORDAINED BY THE GOVERNING BODY THE CITY OF TOPEKA:

Section 1. That section 2.05.010, Establishment, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Establishment.

The following nonstatutory boards, commissions and other plural authorities are hereby established and made a part of the administrative code of the city, as authorized by Charter Ordinance No. 94, Section 24 (Appx. A, Section A2-72): human relations commission (TMC 2.55.010); board of electrical appeals (TMC 5.63.120); board of plumbing appeals (TMC 5.63.120); board of mechanical appeals (TMC 5.63.120); board of building and fire appeals (TMC 2.40.010); board of zoning appeals (TMC 2.45.010 et seq.); ~~golf course advisory board (TMC 11.30.050 et seq.); parks and recreation advisory board (TMC 2.90.010 et seq.);~~ citizen advisory council (TMC 2.105.040); civil service commission (TMC 2.125.030); Topeka planning commission (TMC 2.65.020); boards of trustees of fire and police pension funds (TMC 2.140.190); city of Topeka Americans with Disabilities Act advisory council (TMC 2.80.010); sustainability advisory board (TMC 2.95.010). The council is hereby authorized to promulgate appropriate rules and regulations for such boards, commissions and authorities dealing with their organization and operation. No city employee shall be appointed to any board,

commission, or plural authority unless the appointment is specifically authorized by ordinance. Unless otherwise provided, all members appointed to any board, commission, or plural authority shall be residents of the city. The mayor shall notify councilmembers 30 days in advance of vacancies occurring on such bodies, shall solicit nominations from the council for filling such positions, and shall appoint members to such bodies from those nominated by the council. In the event no nominations are forthcoming, the mayor shall make such appointments as are in the best interest of or will best serve the mission of the board, commission, or authority. All appointments must be confirmed by the council. Unless otherwise provided for in this code, members will be appointed for a term of two years and shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed

Section 2. That section 2.90.010, Created, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Created.~~

~~There is hereby created a parks and recreation advisory board.~~

Section 3. That section 2.90.020, Composition, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Composition.~~

~~The parks and recreation advisory board shall consist of nine members. Four members shall be appointed by the mayor, one member by the governing body of Unified School District No. 501, one member by the governing body of Unified School District No. 450, one member by the governing body of Unified School District No. 345,~~

~~one member by the governing body of the Unified School District No. 437, and one member by the governing body of Washburn University.~~

Section 4. That section 2.90.030, Qualifications, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Qualifications.~~

~~Each member of the parks and recreation advisory board shall be a resident of the city.~~

Section 5. That section 2.90.040, Term of members, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Term of members.~~

~~Members of the parks and recreation advisory board shall serve for a term of four years. Members may be appointed for subsequent terms after completion of the first term. All terms shall end in July of each respective year. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.~~

Section 6. That section 2.90.050, Compensation, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Compensation.~~

~~Members of the parks and recreation advisory board shall serve without compensation.~~

Section 7. That section 2.90.060, Qualifications, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Removal of members.~~

~~The mayor may remove any member of the board which the mayor appointed at any time for good cause shown. Other appointing bodies referenced in TMC [2.90.020](#) may also remove their appointee at any time for good cause shown. All members of the advisory board must attend at least eight of the 12 scheduled meetings each year and not miss any three scheduled meetings in a row or be subject to removal from the board.~~

Section 8. That section 2.90.070, Vacancies, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Vacancies.~~

~~Vacancies occurring on the parks and recreation advisory board shall be filled by appointment for the unexpired term by the appropriate appointing body or individual.~~

Section 9. That section 2.90.080, Operation, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Operation.~~

~~The parks and recreation advisory board shall represent members of the Topeka community and shall provide input, assistance, feedback, and support to the parks and recreation department and its director, as well as advice and information to the mayor and city administration, the city council, and to the public, in such manner and at such times as the advisory board shall determine.~~

~~The parks and recreation director shall, and the council may, refer to the parks and recreation advisory board all major proposals and propositions for the construction, reconstruction and improvement of public parks and recreational facilities in the city, including the acquisition of lands for park purposes; the acquisition of major recreational~~

99 ~~equipment and facilities; and the initiation of new programs in the recreational system.~~
100 ~~All of such proposals and propositions shall be taken under consideration by the~~
101 ~~advisory board, and such board shall make reports and recommendations to the parks~~
102 ~~and recreation director or the council on all matters referred to it and may make such~~
103 ~~further reports and recommendations to the parks and recreation director or the council~~
104 ~~as the board shall deem advisable.~~

105 ~~Such reports requested by the council shall be made to the council within a time~~
106 ~~fixed by the council either by the resolution submitting the proposal or proposition or at~~
107 ~~the time the proposal or proposition is submitted to the advisory board by the council,~~
108 ~~and no action shall be taken thereafter by the council upon any proposal or proposition~~
109 ~~which it has referred to the advisory board until the reports and recommendations~~
110 ~~thereon have been received from the advisory board. The council shall take action upon~~
111 ~~the reports and recommendations received from the advisory board within 30 days after~~
112 ~~their receipt; provided, that the council may extend the time as it shall deem necessary~~
113 ~~to give the matter further attention before action is taken.~~

114 ~~The parks and recreation director shall regularly report to the advisory board on~~
115 ~~such matters as the department budget, capital projects, department policies, and~~
116 ~~proposed programming changes, as well as other matters determined by the advisory~~
117 ~~board or the parks and recreation director to be of interest to the board for its~~
118 ~~consideration.~~

119 Section 10. That section 11.30.050, Created, of The Code of the City of
120 Topeka, Kansas, is hereby repealed.

121 **Created.**

~~There is hereby created a public golf course advisory board of the city.~~

Section 11. That section 11.30.060, Composition - Appointments, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Composition—Appointments.~~

~~The golf course advisory board shall consist of three members and three ex officio members. The three members shall be appointed by the mayor with the consent of the council. The following shall be ex officio members of the advisory board: the director of the department of parks and recreation or designee, the golf course manager and the golf course professional.~~

Section 12. That section 11.30.070, Terms, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Terms.~~

~~The terms of office of the members of the golf course advisory board shall be two years. Members may be appointed for subsequent terms after completion of their first term. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.~~

Section 13. That section 11.30.080, Compensation, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Compensation.~~

~~Each member of the golf course advisory board shall serve without compensation.~~

Section 14. That section 11.30.090, Removal of members, of The Code of the City of Topeka, Kansas, is hereby repealed.

Removal of members.

~~Any member of the golf course advisory board may be removed by the mayor at any time for good cause shown.~~

Section 15. That section 11.30.100, Filling of vacancies, of The Code of the City of Topeka, Kansas, is hereby repealed.

Filling of vacancies.

~~Vacancies occurring on the golf course advisory board shall be filled by appointment for the unexpired term, and such appointment shall be made in the same manner as the original appointment.~~

Section 16. That section 11.30.110, Meetings, of The Code of the City of Topeka, Kansas, is hereby repealed.

Meetings.

~~The golf course advisory board shall meet at such times and such places as it may agree upon, as deemed appropriate by the full membership of the board, and as often as necessary to take care of the work load.~~

Section 17. That section 11.30.120, Purpose, of The Code of the City of Topeka, Kansas, is hereby repealed.

Purpose.

~~The public golf course advisory board shall advise the council in all matters concerning the public golf courses, and shall make reports and recommendations to the council on all matters referred to the advisory board, and may make such further recommendations as the advisory board may deem necessary. The council shall take action upon the reports and recommendations received from the advisory board within~~

168 ~~30 days after their receipt; provided, that the council may extend the time as it shall~~
169 ~~deem necessary to give the matter further attention before taking action.~~

170 Section 18. That original § 2.05.010 of The Code of the City of Topeka, Kansas,
171 is hereby specifically repealed.

172 Section 19. This ordinance shall take effect and be in force on January 1, 2012,
173 after its passage, approval and publication in the official City newspaper.

174 Section 20. This ordinance shall supersede all ordinances, resolutions or rules,
175 or portions thereof, which are in conflict with the provisions of this ordinance.

176 Section 21. Should any section, clause or phrase of this ordinance be declared
177 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
178 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

179 PASSED AND APPROVED by the City Council on December 6, 2011.

180 CITY OF TOPEKA, KANSAS

181 _____
182 William W. Bunten, Mayor

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185 ATTEST:

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187 Brenda Younger, City Clerk
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