

(Published in the Topeka Metro News September 16, 2013.)

ORDINANCE NO. 19847

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code § 2.70.030 and specifically repealing said original section, concerning the functions of the public building commission.

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

Section 1. That section 2.70.030, Functions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Functions.

That the commission shall be authorized to perform the following functions pursuant and subject to power and authority granted or contained herein under authority granted by the Act.

(a) To acquire a site or sites within the area bounded by ~~Topeka Boulevard~~ SW MacVicar Avenue on the west, ~~I-70~~ SE Adams Street on the east, ~~15th~~ 21st Street on the south, and the Kansas River on the north for constructing, reconstructing, equipping and furnishing a building or buildings or other facilities, including the designs and engineering thereof, of a revenue-producing character, including parking facilities, and, in addition, to acquire and install equipment of a revenue-producing character. The commission is to provide facilities of a revenue-producing character to house offices or agencies of the state of Kansas, city, county, municipal university, or a school district. The commission may also provide parking facilities for offices of state and federal agencies as authorized by the city of Topeka city council. Such building or buildings, facilities or equipment shall be maintained and operated for the affairs of the city, or any federal, state, state or municipal university, city

29 school district, municipal corporation, quasi-municipal corporation, political subdivision,
30 or body politic, or agency thereof, doing business, maintaining an office, or rendering a
31 public service within the city ("governmental agencies"). The commission shall require
32 that wages paid to workers, laborers, and mechanics employed by a contractor or
33 subcontractor on these construction and reconstruction projects be not less than the
34 current prevailing per diem wage rate. The requirement that prevailing wages be paid
35 shall be interpreted as though synonymous with required wages and benefits paid in
36 Shawnee County to the greater number of workers, laborers, and mechanics in the
37 same trade, occupation or work of a similar nature during the one-year period before the
38 start of the project.

39 (b) To adopt a seal.

40 (c) To acquire fee simple title to real estate, or a leasehold interest in real
41 property located on the campus of any state university or any municipal university,
42 including easement and reversionary interests in streets, alleys and other public places
43 and personal property required for its purposes, by purchase, gift, devise or by the
44 exercise of the power of eminent domain, and to take title in the corporate name of the
45 commission.

46 (d) To rent all or any part of its buildings, facilities and/or equipment to any
47 governmental agencies and rent any space as may not be needed by such
48 governmental agencies or such buildings or other facilities as the commission may
49 determine will primarily serve the comfort and convenience of the occupants of its
50 buildings or other facilities.

51 (e) To issue revenue bonds of the commission after negotiation of a lease or
52 leases with one or more governmental agencies ~~in~~is complete, to provide funds for the
53 purpose of acquiring, designing, engineering, erecting, equipping, repairing, maintaining
54 and operating buildings and other facilities; to acquire sites necessary and convenient
55 therefor, and to acquire and install equipment to pay all costs and expenses incident
56 thereto, or to refund its outstanding bonds.

57 (f) To sue and be sued.

58 (g) To convey title to the governmental agencies to the equipment and/or land
59 and buildings thereof, for whose benefit the commission has held title, after the payment
60 of revenue bonds issued for the purpose of acquiring such equipment and/or land and
61 buildings thereof for the benefit of any such political subdivision. Conveyance may be
62 made of portions of the land as portions of the revenue bonds are paid or retired, or
63 provision is made for their payment to the deposit of a like amount of money.

64 (h) To do all things and acts necessary or incidental to the exercise of the
65 powers granted to it under this chapter and under K.S.A. 12-1757 et seq., as amended.

66 (i) Any lease agreement entered into by the commission for a project under
67 the provisions of the Act ~~shall~~may include a payment in lieu of taxes.

68 (j) For administrative purposes, the Topeka building commission shall be
69 located within the office of the city manager ~~of the city~~. The city manager shall provide
70 ~~or arrange to provide in accordance with all applicable city of Topeka procurement~~
71 ~~ordinances~~ support on behalf of the Topeka public building commission consistent with
72 the purposes established herein, including but not limited to hiring and retaining support
73 staff, legal representation, bond counsel, consultants, developers, and others as

necessary for the performance of the functions and purposes of the commission. Any reasonable expenses to be incurred in providing services to the commission shall be reimbursed by the tenant of the commission, provided the expenses are approved in advance by the tenant. Such approval shall not be unreasonably withheld.

(k) The commission shall substantially comply with City procurement ordinances or state procurement statutes.

Section 2. That original § 2.70.030 of The Code of the City of Topeka, Kansas, 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.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on September 10, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk