

(Published in the Topeka Metro News June 27, 2016)

ORDINANCE NO. 20009

AN ORDINANCE introduced by City Manager Jim Colson, concerning governing body meetings; veto; veto override; and vacancies, amending City of Topeka Code Sections 2.15.020, 2.15.070 and 2.15.080, and repealing original sections.

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

Section 1. That section 2.15.020, Time of council meetings – To be open to the public, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Time of ~~council~~governing body meetings – To be open to the public.

(a) The ~~council~~governing body shall meet in the council chambers/municipal court complex on the second floor of the municipal building, the first three Tuesdays of each month at 6:00 p.m. except that the governing body shall meet on the second Monday, rather than the second Tuesday, in the month of January following the general municipal election.

(b) Notwithstanding subsection (a) of this section, when the date of a meeting falls on a legal holiday or any city primary or general election, the meeting may be rescheduled to another day fixed in advance by the ~~council~~governing body.

(c) Notwithstanding subsection (a) of this section, a ~~council~~-meeting may be canceled under any of the following circumstances; provided, that the number of ~~council~~ meetings in a month is not less than that required by Appendix A, Section A2-26:

(1) By a majority vote of the ~~council~~governing body;

(2) When the mayor, with the concurrence of the deputy mayor, determines that special circumstances exist, including but not limited to the scheduling of a special event or a lack of agenda items; or

(3) By the city manager in the event of inclement weather.

Section 2. That section 2.15.070, Veto procedures, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Veto procedures.

(a) General Procedures.

(1) The mayor, following council adoption of an ordinance ~~or resolution,~~ legislative in nature for which state law gives the mayor the right to veto, may, on or before the next ~~council~~ governing body meeting, exercise veto authority as provided for in ~~Charter Ordinance No. 94 as amended or as otherwise provided~~ by law. If the veto authority is not so exercised, the ordinance shall then take effect without the mayor's signature. If the mayor fails to exercise the veto authority and fails to sign the ordinance on or before the next ~~council~~ governing body meeting, the city clerk shall endorse at the end of the ordinance, ~~as entered in the ordinance book,~~ that it took effect without the signature of the mayor.

(2) Neither the deputy mayor, any councilmember, or any other person shall have the authority to exercise the mayor's veto authority ~~over legislative ordinances or resolutions.~~

(3) If the mayor exercises veto authority, the veto shall be established by a written statement giving the objections and reasons ~~therefor~~. The statement of objection shall be presented to each councilmember, whereupon the councilmembers shall have 30 days to override the mayor's veto ~~as provided for~~

51 ~~in Charter Ordinance No. 98 as amended or as otherwise provided by law~~by a
52 vote of at least seven council members.

53 (4) The question to override may be placed before the council, whether
54 or not on the agenda, by any member of the council.

55 ~~(b) Line Item Veto Procedures.~~

56 ~~(1) The mayor, following council adoption of an ordinance containing items~~
57 ~~of appropriations, may on or before the next council meeting exercise line item~~
58 ~~veto authority as provided for in Charter Ordinance No. 94 as amended or as~~
59 ~~otherwise provided by law. If the veto authority is not so exercised, the ordinance~~
60 ~~shall then take effect without the mayor's signature. If the mayor fails to exercise~~
61 ~~veto authority and fails to sign the ordinance on or before the next council~~
62 ~~meeting, the city clerk shall endorse at the end of the ordinance, as entered in~~
63 ~~the ordinance book, that it took effect without the signature of the mayor.~~

64 ~~(2) If the ordinance contains more than one item of appropriation of~~
65 ~~money, the mayor may veto one or more of such items, while approving the other~~
66 ~~portions of the ordinance.~~

67 ~~(3) Neither the deputy mayor, any councilmember, or any other person~~
68 ~~shall have the authority to exercise the mayor's veto authority over appropriations~~
69 ~~ordinances.~~

70 ~~(4) If the mayor exercises veto authority, the veto shall be established by a~~
71 ~~written statement giving objections as to each item vetoed, and reasons therefor.~~
72 ~~The statement of objection shall be presented to each councilmember,~~
73 ~~whereupon the councilmembers shall have 30 days to override the mayor's veto~~
74 ~~as provided for in Charter Ordinance No. 98 as amended or as otherwise~~

75 ~~provided by law.~~

76 ~~(5) The question to override may be placed before the council, whether or~~
77 ~~not on the agenda, by any member of the council.~~

78 (eb) Veto Authority. Substantial compliance by the mayor with the procedures
79 stated in this section shall be deemed an effective exercise of veto authority.

80 Section 3. That section 2.15.080, Filling of vacancies in the office of mayor or
81 councilmember, of The Code of the City of Topeka, Kansas, is hereby amended to read
82 as follows:

83 **Filling of vacancies in the office of mayor or councilmember.**

84 Subject to ~~city of Topeka Charter Ordinance No. 94~~TMC § A2-29, as amended,
85 the following process shall be followed when filling vacancies in the offices of mayor or
86 councilmember:

87 (a) Within one week of a vacancy in the office of mayor or councilmember, the
88 city clerk shall cause to be published in the official city newspaper a notice that
89 applications are being sought for the filling of the open position.

90 (b) The deadline for applications shall be at 5:00 p.m. on the day two weeks
91 from the date of publication of the notice for the office of councilmember and four weeks
92 from the date of publication of the notice for the office of mayor. Applications shall be
93 submitted to the city clerk.

94 (c) The application shall include the following information:

95 (1) A statement of qualifications and personal background.

96 (2) A statement addressing why the applicant wishes to serve in the
97 office of mayor or councilmember (as applicable).

98 (3) A statement addressing what the applicant sees as the number one

problem facing Topeka city government and how the applicant would seek to address the problem if chosen to serve.

(d) Application for the office of mayor shall include the \$100.00 filing fee or a petition signed by 100 qualified electors of the city or one percent of the cast vote in the last city general election. Application for the office of district councilmember shall include the \$50.00 fee or a petition signed by 50 qualified electors of the council district.

(e) Unless an alternative date and/or time is established by the ~~city council~~councilgoverning body, the ~~councilmembers~~ shall interview each applicant at the next ~~council~~councilgoverning body meeting following the application deadline.

(f) At least one day prior to the interview date, the mayor and councilmembers may each submit one question to be asked of all applicants during the interviews.

(g) Interviews shall be conducted in the order that applications are received.

(h) Interviews shall consist of an opening statement by the applicant and the asking and answering of all submitted questions.

(i) At the conclusion of the interviews the ~~city council~~councilgoverning body may conduct an election to fill the vacant position, subject to the following rules:

(1) The election shall be conducted only during a ~~council~~councilgoverning body meeting. The election may be deferred to a subsequent meeting ~~upon approval by the city council of an appropriate motion~~. In no event shall an election be deferred later than the next ~~council~~councilgoverning body meeting.

(2) Each councilmember and the mayor shall vote for one person on each ballot by indicating in writing his or her choice and signing the ballot before submitting it to the city clerk.

(3) The city clerk shall read the result of each ballot.

(4) Balloting shall end any time one applicant receives ~~five votes~~ a majority vote of the remaining members of the governing body.

(5) If no applicant receives ~~five~~ a sufficient number of votes ~~in the final ballot~~, additional ballots shall be cast until one of the applicants receives ~~five~~ a sufficient number of votes or the matter is deferred until a date certain, which shall not be later than the next ~~council~~ governing body meeting.

(6) The council and mayor may confer after any ballot in any manner consistent with the Kansas Open Meetings Act.

Section 4. That original § 2.15.020, § 2.15.070, and § 2.15.080 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. 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 June 21, 2016.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk