

(Published in the Topeka Metro News October 23, 2017)

**ORDINANCE NO. 20088**

AN ORDINANCE introduced by Interim City Manager Douglas Gerber, concerning employees, the personnel code, departments created, and established positions; amending, repealing and renumbering several chapters in Title 2, Administration and Personnel of the Topeka Municipal Code.

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

Section 1. That section 2.14.010, City manager – Goal and objectives-Review and evaluation, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**City manager – Goals, and objectives and evaluation – Review and evaluation.**

(a) ~~The city council governing body~~ shall establish annual goals and objectives for the city manager ~~on or before May 1st of each year~~ within thirty (30) days of completing his or her annual evaluation. To assist the ~~city council governing body~~ with this responsibility, the city manager ~~shall~~ may provide the ~~city council governing body~~ with proposed goals and objectives ~~prior to April 15th of each year.~~

(b) ~~The city council governing body shall provide the city manager with a written annual evaluation prior to March 31st of each year~~ conduct a formal, written review and evaluation of the city manager's performance on an annual basis. As part of each such review and evaluation, the governing body shall provide the city manager with a summary of its input and comments related to the particular period of time covered by the review and evaluation and shall provide an adequate and timely opportunity for the city manager to respond either in writing or through discussion with

29 the governing body.

30 ARTICLE I. EMPLOYEES GENERALLY

31 Section 2. That section 2.25.020, Approval of employee agreements, of The  
32 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

33 **Approval of ~~employeememorandum~~ agreements ~~in conjunction with the~~**  
34 **meet and confer process.**

35 (a) The power and authority of the city to enter into an  
36 ~~employment~~memorandum agreements with city employees represented by a  
37 recognized employee organization shall be vested in the ~~city council~~governing body.  
38 Except as otherwise provided in this section, no memorandum of agreement between  
39 the city and a recognized employee organization shall be valid unless the agreement is  
40 approved by the ~~city council~~governing body and signed by the city manager.

41 (b) The city manager or designee shall represent the city as head of the  
42 negotiating team when collectively bargaining with a recognized employee organization.  
43 The city manager or designee shall negotiate all terms and provisions of a  
44 memorandum ~~of~~ agreement and may reach a tentative agreement on those terms and  
45 provisions with a recognized employee organization.

46 (c) If a tentative agreement is reached between the city ~~manager or designee~~  
47 and the recognized employee organization, a memorandum ~~of understanding~~agreement  
48 will be prepared within 14 days and presented to the ~~city council~~governing body for  
49 approval. The ~~city council~~governing body, as soon as practicable after receiving a report  
50 from the ~~city controller~~director of administrative and financial services ~~of on~~ the fiscal  
51 effect the terms of such memorandum agreement will have upon the city, shall consider

the memorandum agreement and take appropriate action.

(d) The ~~city council~~governing body shall take appropriate action to implement the memorandum ~~in the form of a resolution~~agreement. If the ~~city council~~governing body rejects a proposed memorandum agreement, the matter shall be returned to the city ~~manager~~negotiating team and the employee organization for further deliberation.

Section 3. That section 2.25.030, Employee compensation, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Employee compensation.~~**

~~The city's compensation plan shall be reviewed and approved by the city council. Nothing in this section will invalidate a properly approved employment agreement with city employees represented by a recognized employee organization.~~

Section 4. That section 2.25.060, Oath, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.25.030 and amended to read as follows:

**Oath.**

(a) All officers of the city, whether elected or appointed, and each person to be employed by the city shall, before entering upon the duties of their respective offices, appointment or employment, take and subscribe an oath or affirmation, as follows:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States of America and the Constitution of the State of Kansas and faithfully discharge the duties of \_\_\_\_\_ (here enter name of office or employment). So help me God."

(b) Oaths or affirmations required under this article shall be administered before such officers and in the manner prescribed by ~~K.S.A. 54-101, 54-102 and 54-~~

75 ~~403~~ State law.

76 (c) All officers and employees required by law to take and subscribe or file  
77 any oath or affirmation shall be supplied the necessary forms for this purpose at the  
78 expense of the city and, upon taking and subscribing or signing any such oath or  
79 affirmation, such completed original or copies of ~~forms for city employees'~~ oaths shall be  
80 filed with the city department of human resources department. ~~Completed original or~~  
81 ~~copies of forms of oaths for elected and appointed officers shall be filed with the city~~  
82 ~~clerk.~~

83 (d) The ~~city treasurer~~ department of administrative and financial services shall  
84 not disburse any funds in payment for services to any officer or employee of the city  
85 until the original oath or affirmation provided for in this article shall have been duly  
86 subscribed and the original or a copy is filed with the ~~city by such officer or~~  
87 ~~employee~~ department of human resources.

88 Section 5. That section 2.25.040, Payroll deduction, of The Code of the City of  
89 Topeka, Kansas, is hereby repealed.

90 **Payroll deduction.**

91 ~~(a) The department of administrative and financial services is hereby authorized~~  
92 ~~to place into full force and effect a payroll deduction plan, and keep proper record and~~  
93 ~~account thereof, whereby upon written request of a city employee proper deduction from~~  
94 ~~the salary due such employee shall be made for Topeka United Way fund, employees'~~  
95 ~~group health insurance plan, contributions to a savings program, union dues, and such~~  
96 ~~other deductions approved by the city manager and authorized by such employee. The~~  
97 ~~department of administrative and financial services is further authorized to deduct court-~~

ordered child support payments and other court-approved indebtedness from employee salary checks, pursuant to the provisions of K.S.A. 60-1613.

~~(b) The city manager may set, in accordance with state statutes where applicable, a reasonable handling fee for the expense of processing authorized deductions. Such handling fee will be paid by the recipient of the deduction and not by the employee requesting the deduction.~~

Section 6. That section 2.25.070, Bonds required, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.25.040 and amended to read as follows:

**BondsProtective insurance required.**

~~(a) — Amount of Bond. All employees shall be covered by a blanket bond and/or a position bond payable to and for the use and benefit of the city in a minimum amount of \$50,000. Bond limits shall be in an amount not less than any minimum required by state law.~~

~~(b) — The bonds provided for in this section shall be made payable to the city and shall be conditioned for the faithful discharge and performance of the duties of the employees and to save the city free from all loss caused by neglect of duty or malfeasance, and shall contain such other conditions and provisions as may be directed by the statutes of the state governing cities of the first class or by the ordinances of the city. The city manager shall obtain~~provide ~~insurance to protect the city from losses caused by employee neglect of duty or malfeasance.~~

Section 7. That section 2.25.050, Part-time, seasonal, and temporary employees – Personal protective equipment, of The Code of the City of Topeka,

Kansas, is hereby repealed.

**~~Part-time, seasonal, and temporary employees — Personal protective equipment.~~**

~~(a) Part-time, seasonal and temporary employees of the city who are assigned to work in areas requiring personal protective equipment, as provided in established departmental rules and standards, shall be furnished adequate head, eye, face, hand, and respiratory personal protective equipment, at the expense of the city department in which the employees are assigned. Part-time, seasonal and temporary employees working in jobs for which personal protective footwear is required by departmental rules and standards shall be required to obtain such footwear at their own expense as a prerequisite to assignment in such jobs.~~

~~(b) The head of each department employing part-time, seasonal or temporary personnel shall be responsible for obtaining compliance as to such employees with the provisions of this section.~~

Section 8. That section 2.25.080, Reimbursements for conferences, seminars, conventions and short courses, of the Code of the City of Topeka, Kansas, is hereby ~~repealed~~ renumbered as section 2.25.050 and amended to read as follows:

**Reimbursements for conferences, seminars, conventions and short courses attended by governing body members.**

~~(a) — Employees Eligible — Authorization — Reimbursements Generally. Benefit-eligible nonelected employees, and, in some cases, individuals appointed to special commissions, may be reimbursed for official travel and related expenses while carrying out official duties attending professional conferences, or attending directly job-related~~

144 ~~training courses or seminars which will benefit the city. Generally, no individual or~~  
145 ~~employee shall attend more than two national and two state conferences in one year~~  
146 ~~except with the approval of the relevant department head. Authorization for attending~~  
147 ~~conferences, training sessions or related activities shall be made in advance and~~  
148 ~~pursuant to departmental policies authorizing such attendance. Approval shall be~~  
149 ~~obtained from the appropriate department head and the department head shall obtain~~  
150 ~~approval from the city manager for such employee's travel. Attendance at hearings and~~  
151 ~~special official presentations shall not be subject to the limitations set forth in this~~  
152 ~~section. Employees who become or are officers of a governing body of a professional~~  
153 ~~organization related to typically assigned duties may be authorized to attend a~~  
154 ~~reasonable but limited number of business sessions of such organizations in addition to~~  
155 ~~other authorized meetings. Provided, there shall be no duplication of reimbursement for~~  
156 ~~any expenses by the city if the professional organization pays the expenses in full or in~~  
157 ~~part. Persons authorized to travel shall be reimbursed for actual air, bus or train fare, or~~  
158 ~~equivalent reimbursement for personal use of an automobile, not to exceed in any event~~  
159 ~~the typical air coach fare for such travel. Reimbursements shall be made for actual room~~  
160 ~~costs for overnight lodging, taxi fares, auto rental, if specifically authorized, meals, tips~~  
161 ~~and other travel-related expenses upon proper presentation of appropriate itemized~~  
162 ~~receipts. Persons seeking travel reimbursement shall certify and swear to the accuracy~~  
163 ~~and legitimacy of all receipts submitted.~~

164 ~~(b) — Elected Officials. Councilmembers and the mayor~~Governing body  
165 members may be reimbursed for official travel and related expenses in accordance with  
166 ~~the resolutions passed~~adopted by the ~~council relating to out-of-state~~governing body that

167 contain guidance related to such travel and upon expenses, in addition to the submittal  
168 of corresponding documentation confirming all relevant expenditures.

169 (c) — The reimbursement procedure for reimbursements for official travel shall  
170 be established by rule and regulation as authorized by Charter Ordinance No. 94.

171 Section 9. That section 2.25.090, Approval of employment and severance  
172 agreements, of the Code of the City of Topeka, Kansas, is hereby renumbered as  
173 section ~~2.25.050 and amended to read as follows:~~ 2.25.060.

174 Section 10. That section 2.25.100, Accounting upon separation from  
175 employment, of the Code of the City of Topeka, Kansas, is hereby renumbered as  
176 section 2.25.070 and amended to read as follows:

177 **Accounting upon separation from employment.**

178 ~~To assure that a department or division head upon retirement, resignation or~~  
179 ~~discharge from city employment has accounted fully for all funds and city property~~  
180 ~~entrusted to him/her and~~ An inventory audit will be conducted in accordance with policies  
181 adopted by the administration before prior to separation from employment for purposes  
182 of ensuring that an employee, upon retirement, resignation or discharge from city  
183 employment, has accounted fully for all funds and city property entrusted to him or her.  
184 After providing written notice and explanation to the employee, the city may deduct from  
185 the employee's final wages such amounts permitted by the Kansas Wage Payment Act  
186 or other applicable law. ~~The employee shall reconcile or arrange financial settlement of~~  
187 ~~items for which the employee cannot account. Financial settlement is considered to be a~~  
188 ~~payment in the form of a personal check or lump-sum payment.~~



190 ARTICLE II. PERSONNEL CODE

191 Section 11. That section 2.30.010, Personnel rules and regulations-Adopted-  
192 Copies on file, of the Code of the City of Topeka, Kansas, is hereby renumbered as  
193 section 2.25.100 and amended to read as follows:

194 ~~Personnel rules and regulations~~Code - ~~Adopted — Copies on file;~~  
195 Amendments.

196 (a) The city's ~~p~~"Personnel ~~r~~Rules and ~~r~~Regulations", city of Topeka, Kansas,  
197 as set forth in the document of the same name and dated were originally adopted and  
198 approved by Ordinance No. 16404 on December 30, 1991, are hereby adopted and  
199 approved as the city's official pPersonnel rules and regulations, and shall takeCode,  
200 and took effect on January 6, 1992. ~~The city clerk shall maintain on file no fewer than~~  
201 ~~three copies of the personnel rules and regulations, to be kept available to the public for~~  
202 ~~inspection, and shall make copies available for purchase pursuant to the city open~~  
203 ~~records policy.~~

204 (b) The city's Personnel Code shall be reviewed by the city attorney and  
205 human resources director during the last quarter of the city's fiscal year, in even-  
206 numbered years. Any revisions proposed by the city attorney and human resources  
207 director as a result of this review shall be submitted to the governing body for approval,  
208 via resolution, no later than March 31<sup>st</sup> of the next odd-numbered year.

209 Section 12. That section 2.30.020, Personnel rules and regulations -  
210 Amendments, of the Code of the City of Topeka, Kansas, is hereby renumbered as  
211 section 2.25.110 and amended to read as follows:  
212

**Personnel rules and regulationsCode – AmendmentsCopies.**

~~The personnel rules and regulations, as adopted and approved in TMC 2.30.010, may be amended, in whole or in part, by resolution approved by the council.~~

The city clerk shall post publicly on the city's website and maintain on file one copy of the city's Personnel Code for purposes of making said document available to the public. The city clerk shall make copies available pursuant to the city open records policy.

**CHAPTER 2.30 TMC-DEPARTMENTS CREATED; ESTABLISHED POSITIONS**

Section 13. That section 2.25.110, City clerk position created – Duties, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.010 and amended to read as follows:

**City clerk position created – Duties.**

(a) There is hereby created the position of city clerk in the city. The city clerk shall be appointed by and under the administrative direction of the city manager. The city manager, pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54), shall be responsible for supervising and evaluating the performance of the city clerk. The city clerk shall be responsible for the overall operation of the city clerk's office.

(b) The city clerk shall attend all meetings of the city council, governing body and be responsible for keeping a time record of its proceedings, and also keep as well as a record of all official acts, and when necessary, shall attest them. The city clerk shall also be responsible for keeping and preserving the corporate seal of the city, and all records, public papers and documents of the city not belonging to any other officer. The

city clerk shall be authorized to administer oaths; and the copies of all papers filed in the clerk's office, and transcripts from the records of the proceedings of the ~~council~~council governing body, including ordinances duly certified by the city clerk under the corporate seal of the city, shall be taken as evidence in all courts of the state without further proof.

Section 14. That section 2.25.120, Legal department created, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.070 and amended to read as follows:

**Legal department created; outside practice prohibited.**

(a) There is hereby created a legal department. The city attorney shall be appointed by the city manager. The city manager, pursuant to Charter Ordinance No. 94, Section 21 (~~Appendix. A, Section~~§ A2-54), shall be responsible for supervising and evaluating the performance of the city attorney. The city attorney shall be responsible for the overall operation of the legal department.

(b) The city attorney and assistant city attorneys shall be prohibited from providing legal representation to any client outside of the scope of the attorney's duties for the city; provided, however, that the city manager may, with notice to the ~~city council~~council governing body, grant a temporary exception to this prohibition to permit an attorney to conclude and terminate representation of clients ~~which~~that commenced prior to the attorney beginning employment with the city; and provided further, that the attorney can ~~provide~~perform such legal services without interfering with the attorney's job duties to the city, without conflict of interest to the city of Topeka, and in accordance with the Kansas Rules of Professional Conduct.

Section 15. That section 2.25.130, Department of administrative and financial services created, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.020 and amended to read as follows:

**~~Department of a~~Administrative and financial services department created;**  
**City treasurer appointment.**

(a) There is hereby created a department of administrative and financial services. The director of the department of administrative and financial services shall be appointed by and ~~serve under the administrative direction of the city manager.~~ The city manager, pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54), shall be responsible for supervising and evaluating the performance of the administrative and financial services director. The administrative and financial services director shall be responsible for overall operation of the department.

(b) The director of administrative and financial services shall appoint a city treasurer who shall be responsible for receiving, keeping and safeguarding all public moneys belonging to the city. The city treasurer shall also be responsible for paying out public moneys belonging to the city only by authorized warrants or warrant checks and bearing the required signatures established by resolution of the governing body.

Section 16. That section 2.25.140, City treasurer position created, of the Code of the City of Topeka, Kansas, is hereby repealed.

**City treasurer position created.**

~~The position of city treasurer is hereby created. It shall be the duty of the city treasurer to receive, keep and safeguard all public moneys belonging to the city and to pay out such moneys only by warrants or warrant checks as authorized and bearing the~~

282 ~~required signatures, or from petty cash funds established by resolution of the council in~~  
283 ~~accordance with provisions of K.S.A. 13-518.~~

284 Section 17. That section 2.25.150, Judicial department created, of the Code of  
285 the City of Topeka, Kansas, is hereby renumbered as section 2.30.060 and amended to  
286 read as follows:

287 **Judicial department created.**

288 There is hereby created a judicial department ~~which shall include the~~  
289 ~~administration of municipal court and related court services.~~ The municipal judge shall  
290 be appointed by the city manager, ~~who.~~ The city manager, pursuant to Charter  
291 Ordinance No. 94, § 21 (Appendix A, § A2-54), shall be responsible for supervising and  
292 evaluating the performance of the municipal judge. The municipal judge shall be  
293 responsible for the efficient administration, operation and delivery of all municipal court  
294 and related court services.

295 Section 18. That section 2.25.160, Department of human resources created, of  
296 the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.040 and  
297 amended to read as follows:

298 **~~Department of h~~Human resources department created.**

299 There is hereby ~~established~~created a department of human resources. The  
300 director of human resources shall be appointed by the city manager. The city manager,  
301 pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54), shall be responsible  
302 for supervising and evaluating the performance of the human resources director. ~~and~~  
303 The human resources director shall be responsible for the overall operation of the  
304 human resources department and ~~managing~~management of all personnel matters

including labor negotiations and employee benefits.

Section 19. That section 2.25.170, Department of public works created, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.110 and amended to read as follows:

~~Department of p~~**Public works department created; City engineer appointment.**

(a) There is hereby created a department of public works. The director of the ~~department of public works~~ shall be appointed by the city manager. The city manager, pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54), shall be responsible for supervising and evaluating the performance of the public works director. The director of public works shall be responsible for the overall operation of the department.

(b) The director of public works shall appoint a city engineer, who shall be a professional civil engineer responsible for preparing plans, specifications and estimates for, as well as supervisions the construction of all public improvements. The city engineer shall also be responsible for performing all surveying and engineering work under the direction of the public works director and performing all other duties pertaining to the position of city engineer, as assigned by the director of public works. The city engineer shall be registered as a professional engineer in the state.

Section 20. That section 2.25.180, City engineer position created, of the Code of the City of Topeka, Kansas, is hereby repealed.

**~~City engineer position created.~~**

~~The position of city engineer is hereby created. The city engineer shall be a professional civil engineer who shall prepare plans, specifications and estimates for and~~

328 ~~superintend the construction of all public improvements, do all surveying and~~  
329 ~~engineering under the direction of the director of public works, and perform all other~~  
330 ~~duties pertaining to the city engineer's office. The city engineer shall be registered as a~~  
331 ~~professional engineer in the state.~~

332 Section 21. That section 2.25.190, Department of information technology  
333 created, of the Code of the City of Topeka, Kansas, is hereby renumbered as section  
334 2.30.050 and amended to read as follows:

335 **~~Department of i~~Information technology department created.**

336 There is hereby created a department of information technology. The director of  
337 information technology shall be appointed by the city manager. The city manager,  
338 pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54), shall be responsible  
339 for supervising and evaluating the performance of the director of information technology.  
340 The director of information technology shall be responsible for the overall operation of  
341 the information technology department.

342 Section 22. That section 2.25.200, Department of neighborhood relations  
343 created, of the Code of the City of Topeka, Kansas, is hereby renumbered as section  
344 2.30.080 and amended to read as follows:

345 **~~Department of n~~Neighborhood relations department created; Enforcing**  
346 **officer designated.**

347 (a) There is hereby created a department of neighborhood relations. The  
348 director of the ~~department~~ neighborhood relations shall be appointed by the city  
349 manager. The city manager, pursuant to Charter Ordinance No. 94, § 1 (Appendix A, §  
350 A2-54), shall be responsible for supervising and evaluating the performance of the

351 director of neighborhood relations. The director of neighborhood relations shall be  
352 responsible for the overall operation of the department and all programs administered  
353 by the department.

354 (b) The city manager designates the director of neighborhood relations or  
355 designee as the enforcing officer for purposes of administering the State's unsafe or  
356 dangerous structures or abandoned property law, K.S.A. 12-1750 et seq. and the city's  
357 property maintenance code.

358 Section 23. That section 2.25.210, City planning department created, of the  
359 Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.090 and  
360 amended to read as follows:

361 **City pPlanning department created.**

362 (a) — There is hereby created a department of planning. The city planning  
363 department is established pursuant to TMC 2.65.110 as amended and shall act as the  
364 staff of the Topeka planning commission. The director of the department planning shall  
365 be known as the planning director and is appointed by the city manager. The city  
366 manager, pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54), shall be  
367 responsible for supervising and evaluating the performance of the director of planning.

368 (b) — The planning director of planning shall have the responsibilities as set  
369 forth in TMC 2.65.110 as amended and shall actively participate in the development and  
370 updating of the capital improvement program for the city of Topeka be responsible for  
371 the overall operation of the planning department.

372 Section 24. That section 2.25.220, Department of parks and recreations  
373 created, of the Code of the City of Topeka, Kansas, is hereby repealed.



**~~Department of parks and recreation created.~~**

~~There is hereby created a department of parks and recreation. The director of the department of parks and recreation shall be appointed by the city manager.~~

Section 25. That section 2.25.230, Police department created, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.100 and amended to read as follows:

**Police department created.**

There is hereby created a police department. The ~~chief of police~~ chief shall be appointed by the city manager. The city manager, pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54), shall be responsible for supervising and evaluating the performance of the police chief. The police chief of the police department shall be responsible for the overall operation of the department, including the discipline, good order, and proper conduct of members of the police department and any reserve force.

Section 26. That section 2.25.240, Fire department created, of the Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.030 and amended to read as follows:

**Fire department created.**

There is hereby ~~established~~created a fire department, ~~which shall consist of the~~The fire chief of the fire department who shall be appointed by the city manager. The city manager, pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54), shall be responsible for supervising and evaluating the performance of the fire chief. The fire chief of the fire department shall be responsible for the overall operation of the department, including the discipline, good order, and proper conduct of members of the

397 fire department.

398 Section 27. That section 2.25.250, Enforcing officer designated, of the Code of  
399 the City of Topeka, Kansas, is hereby repealed.

400 **Enforcing officer designated.**

401 ~~The city manager designates the director of the department of neighborhood~~  
402 ~~relations or designee as the enforcing officer for purposes of administering the unsafe or~~  
403 ~~dangerous structures law, K.S.A. 12-1750 et seq.~~

404 Section 28. That section 2.25.260, Department of the zoological park, of the  
405 Code of the City of Topeka, Kansas, is hereby renumbered as section 2.30.130 and  
406 amended to read as follows:

407 **Department of the zZoological park department created.**

408 ~~There~~ department of the zoological park is hereby created a zoological park  
409 department. The director of the zoological park shall be appointed by the city manager.  
410 The city manager, pursuant to Charter Ordinance No. 94, § 1 (Appendix A, § A2-54),  
411 shall be responsible for supervising and evaluating the performance of the director of  
412 the zoological park. The director of the zoological park shall be responsible for the  
413 overall operation of the department.

414 Section 29. That The Code of the City of Topeka, Kansas, is hereby amended  
415 by adding a section, to be numbered 2.30.120, which said section reads as follows:

416 **Utilities department created.**

417 There is hereby created a department of utilities. The director of the department  
418 of utilities shall be appointed by the city manager. The city manager, pursuant to  
419 Charter Ordinance No. 94, § 21 (Appendix A, § A2-54), shall be responsible for

supervising and evaluating the performance of the director of utilities. The director of utilities shall be responsible for the overall operation of the utilities department.

Section 30. That section 2.35.010, Consumer protection division, of the Code of the City of Topeka, Kansas, is hereby repealed.

**~~Consumer protection division.~~**

~~The position of weights and measures inspector is hereby established. This position is under the control, direction and direct supervision of the city manager or designee.~~

Section 31. That section 2.65.110, Planning department, of the Code of the City of Topeka, Kansas, is hereby repealed.

**~~Planning department.~~**

~~(a) Created. There is hereby established and created the Topeka planning department, which shall act as the staff of the Topeka planning commission. The director of such department shall be known as the planning director and shall be hired by the city manager.~~

~~(b) Planning Director. The planning director shall have a master's degree from a college or university in city or regional planning or other related field, plus five years of planning experience.~~

~~(c) Upon the direction of the Topeka planning commission, the planning department shall be responsible for preparing, developing, directing, implementing and administering short and long range planning programs to ensure the orderly growth and harmonious development of the city, and the city's three-mile extraterritorial jurisdiction and promote efficient use of city resources in compliance with ordinances, resolutions,~~

statutes, policies and procedures pertaining to land use, development, zoning, and economic development. The planning director shall advocate for and monitor the implementation of the comprehensive metropolitan plan and facilitate the update of the comprehensive metropolitan plan annually.

(d) The planning director shall actively participate in the development and update of the capital improvement programs for the city.

(e) The Topeka planning department shall provide the city council such advice as appropriate regarding all proposed annexations in conformance with the provisions of Chapter 12, Article 5 of the Kansas Statutes Annotated and amendments thereto.

Section 32. That original § 2.14.010, § 2.25.020, § 2.25.060, § 2.25.070, § ~~2.25.090~~, § 2.25.100, § 2.30.010, § 2.30.020, § 2.25.110 through § 2.25.170, § 2.25.190 through § 2.25.210, § 2.25.230, § 2.25.240 and § 2.25.260, of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 33. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 34. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 35. 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 Governing Body on October 17, 2017.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Larry E. Wolgast, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk