

1 (Published in the Topeka Metro News September 2, 2009 and September 9, 2009)

2
3 **CHARTER ORDINANCE NO. 100**

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5 A CHARTER ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr.,
6 amending City of Topeka Code § A2-1, Statutes made
7 inapplicable, and repealing said original section and
8 repealing City of Topeka Code § A17-1 concerning a
9 central utility billing office.

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11 WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution,
12 hereinafter referred to as the "Constitution," cities of the State of Kansas, hereinafter
13 referred to as the "State," may by charter ordinance elect, in the manner prescribed in
14 the Constitution, that the whole or any part of any enactment of the State legislature
15 applying to such city, other than enactments of statewide concern applicable uniformly
16 to all cities; other enactments applicable uniformly to all cities; and enactments
17 prescribing limits of indebtedness, shall not apply to such city; and

18 WHEREAS, Charter Ordinance No. 20, amended by Charter Ordinance No. 25
19 and codified at § A17-1 of the City Code, made K.S.A. 13-2403, which is applicable to
20 cities with a commission form of government, inapplicable to the City of Topeka and
21 provided substitute provisions therefore and established a central utility billing office for
22 all utility charges imposed by the City; and

23 WHEREAS, subsequent to the adoption of Charter Ordinance No. 20, amended
24 by Charter Ordinance No. 25 and codified at § A17-1 of the City Code, the City has by
25 Charter Ordinance abandoned the commission form of government and is currently
26 operating as a Council-Manager form of government; and

27 WHEREAS, K.S.A. 13-2403 is not applicable to a Council-Manager form of
28 government, thus Charter Ordinance No. 20, amended by Charter Ordinance No. 25

29 and codified at § A17-1 of the City Code, needs to be repealed as it is no longer
30 applicable to the City of Topeka; and

31 WHEREAS, the City desires to operate a combined utility billing office and
32 collection system under the supervision of the public works department.

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

35 Section 1. That § 1 of Charter Ordinance No. 94, as amended by § 1 of Charter
36 Ordinance No. 98, to be codified at § A2-1, Statutes made inapplicable, of the Code of the
37 City of Topeka, Kansas, is hereby amended to read as follows:

38 The City of Topeka, Kansas, by the power vested in it by article 12, section 5, of the
39 Constitution of the State of Kansas, hereby elects to exempt itself from and make
40 inapplicable to it the provisions of K.S.A. §§ 12-3002, 12-3003, 13-103, 13-502, 13-506
41 through 13-516, 13-518, 13-527, 13-907, 13-1011, 13-1013, 13-1410, ~~13-2401 through~~
42 ~~13-2412~~, 25-2107, 25-2110, 25-2110a and 25-2117, and provide substitute and additional
43 provisions as hereinafter set forth in this Charter Ordinance. Such referenced provisions
44 are either enactments or a part thereof which are applicable to this city but are not
45 applicable uniformly to all cities.

46 Section 2. That § 1 of Charter Ordinance No. 25, codified at § A17-1, Central
47 utility billing office, of the Code of the City of Topeka, Kansas, is hereby repealed.

48 **~~Central utility billing office.~~**

49 ~~The governing body of the City of Topeka, Kansas, shall provide by ordinance for~~
50 ~~a central utility billing office which shall be responsible for billing and collecting all utility~~
51 ~~charges imposed by the city pursuant to Kansas law or the Code of the City of Topeka,~~

52 ~~Kansas. Provided, however, that the present secretary-cashier of the waterworks shall~~
53 ~~continue to serve in his present capacity until such time as implementation of the said~~
54 ~~central billing office is effected by ordinance.~~

55 Section 3. That § 1 of Charter Ordinance No. 94, as amended by Charter
56 Ordinance No. 98, codified at § A2-1 is hereby specifically repealed.

57 Section 4. This Charter Ordinance shall be published once each week for two
58 (2) consecutive weeks in the official city newspaper.

59 Section 5. This Charter Ordinance shall take effect sixty-one (61) days after
60 final publication unless a sufficient petition for a referendum is filed and a referendum
61 held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3),
62 of the Kansas Constitution, in which case this Charter Ordinance shall become effective
63 if approved by a majority of the electors voting therein.

64 Section 6. Upon the effective date of this Charter Ordinance, this Charter
65 Ordinance shall be recorded by the City Clerk in a book maintained for such purposes
66 with a statement of the manner of adoption and certified copy shall be filed with the
67 Secretary of State of the State of Kansas.

68 PASSED and APPROVED by the Governing Body August 25, 2009.

69 CITY OF TOPEKA, KANSAS

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William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk

81 STATEMENT OF MANNER OF ADOPTION OF FOREGOING

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83 The foregoing Charter Ordinance No. 100 was passed on the 25th day of August,
84 2009, as shown by the minutes, Book 09 Page 242, by a vote of ten (10) for and zero (0)
85 against, being not less than two-thirds (2/3) of the members-elect of the governing body,
86 published in the Topeka Metro News, the official city newspaper, on the 2nd day of
87 September, 2009, and on the 9th day of September, 2009, being once each week for two
88 (2) consecutive weeks, and there being no petition demanding a referendum filed with the
89 City Clerk within sixty (60) days after the final publication, said charter ordinance took
90 effect on the 10th day of November, 2009.

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96 Brenda Younger, City Clerk

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CERTIFICATE

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CITY OF TOPEKA)
COUNTY OF SHAWNEE) ss:
STATE OF KANSAS)

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I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of
Kansas do hereby certify that the above and foregoing, consisting of 4 typewritten pages,
including the page upon which this Certificate is written, is a full true and correct copy of
Charter Ordinance No. 100 of the said City of Topeka, that all acts and things required by
Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in
the manner and within the time prescribed and that said Ordinance became effective on
the 10th day of November, 2009.

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Brenda Younger, City Clerk