

1 (Published in the Topeka Metro News March 4, 2009 and March 11, 2009)

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CHARTER ORDINANCE NO. 98

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5 A CHARTER ORDINANCE introduced by Mayor William W. Bunten and Councilmember
6 Deborah Swank, amending City of Topeka Code § A2-1 to
7 Charter out of K.S.A. 12-3003, City of Topeka Code § A2-24
8 to give the Mayor the right to vote on certain legislation and
9 repealing said original sections; also creating new section
10 A2-25.5 concerning the City Council's ability to override a
11 mayoral veto.

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

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Section 1. That Section 1 of Charter Ordinance No. 94, codified as Section A2-1,

15 Statutes made inapplicable, of The Code of the City of Topeka, Kansas, is hereby

16 amended to read as follows:

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Statutes made inapplicable.

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The City of Topeka, Kansas, by the power vested in it by article 12, section 5, of the

19 Constitution of the State of Kansas, hereby elects to exempt itself from and make

20 inapplicable to it the provisions of K.S.A. §§ 12-3002, 12-3003, 13-103, 13-502, 13-506

21 through 13-516, 13-518, 13-527, 13-907, 13-1011, 13-1013, 13-1410, 13-2401 through 13-

22 2412, 25-2107, 25-2110, 25-2110a, and 25-2117, and provide substitute and additional

23 provisions as hereinafter set forth in this Charter Ordinance. Such referenced provisions

24 are either enactments or a part thereof which are applicable to this city but are not

25 applicable uniformly to all cities.

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Section 2. That Section 11 of Charter Ordinance No. 94, amended by Section 3

27 of Charter Ordinance No. 96, codified as Section A2-24, Mayor: functions, powers and

28 duties, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

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Mayor: functions, powers and duties.

30 (a) The Mayor shall be the chief elected officer of the city, responsible for
31 providing leadership and taking issues to the people and marshalling public interest in and
32 support for municipal activity. The Mayor shall have the following powers, duties, and
33 responsibilities:

34 The Mayor shall:

35 (i) Recommend to the Council such measures and legislation as he or
36 she deems necessary and to make such other recommendations to the Council
37 concerning the affairs of the city as he or she finds desirable, but shall not have a
38 vote on any matter before the governing body, except charter ordinances, on any
39 legislation for which state law requires adoption by a majority or such other greater
40 vote of the governing body, or as otherwise specifically provided by charter
41 ordinance of the City of Topeka.

42 (ii) Encourage programs for the physical, economic, social, and cultural
43 development of the city.

44 (iii) Actively promote economic development to broaden and strengthen
45 the commercial and employment base of the city.

46 (iv) Serve as ceremonial head of the city.

47 (v) Represent the city in intergovernmental relations as directed by the
48 Council.

49 (vi) Provide community leadership.

50 (vii) Preside as Chair of Council meetings.

51 (viii) Have no administrative powers.

52 (ix) Have general veto power on all council legislation and "line item" veto

53 in all matters of appropriation ordinances, but shall not have authority to veto charter
54 ordinances or any legislation on which the mayor is entitled to vote. ~~The Mayor shall~~
55 ~~have no vote on any matter that comes before the governing body, except on~~
56 ~~charter ordinances and as otherwise specifically provided by charter ordinance of~~
57 ~~the City of Topeka.~~

58 (b) This section A2-24 of the charter ordinances of the City of Topeka shall only
59 be amended or repealed upon approval by a majority of the electors voting during an
60 election called for such purpose.

61 Section 3. That The Code of the City of Topeka, Kansas, is hereby amended by
62 adding a section to be numbered A2-25.5, which said section reads as follows:

63 **Powers of the City Council.**

64 In addition to any other grant of authority under the Constitution of the State of
65 Kansas, applicable state law, or Charter Ordinance No. 94, as amended, the Council shall
66 have the following duties, powers and responsibilities including, but without limitation
67 thereto:

68 The ability to override a mayoral veto of any council legislation whether by resolution
69 or ordinance by a two-thirds (2/3) vote of the entire council that number being six (6).

70 Section 4. That section 1 of Charter Ordinance No. 94 as codified at City of
71 Topeka Code § A2-1 is hereby specifically repealed.

72 Section 5. This charter ordinance shall be published once each week for two
73 consecutive weeks in the official city newspaper.

74 Section 6. This is a charter ordinance and its effect is hereby made subject to
75 a vote of the electors of the City of Topeka, Kansas.

76 PASSED and APPROVED by the City Council February 24, 2009.

77 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

82 ATTEST:

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87 _____
Brenda Younger, City Clerk

88 STATEMENT OF MANNER OF ADOPTION OF FOREGOING

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90 The foregoing Charter Ordinance No. 98 was passed on the 24th day of February,
91 2009, as shown by the minutes, Book 09 Page 68, by a vote of (10) ten for and (0) zero
92 against, being not less than 2/3 of the members-elect of the governing body, published in
93 the Topeka Metro News, the official city newspaper, on the 4th day of March, 2009, and on
94 the 11th day of March, 2009, being once each week for two consecutive weeks and
95 ordinance mandating an election in order to repeal or amend certain section of the Charter
96 Ordinance, the governing body passed Ordinance No. 19229 on the 24th day of February,
97 2009, calling an election to be held on said Charter Ordinance on the 7th day of April,
98 2009, said ordinance begin published in the city's official newspaper on March 4, 2009,
99 March 11, 2009, and March 18, 2009 being once each week for three (3) consecutive
100 weeks and such election was duly held and majority of the electors voting thereon
101 approving the Charter Ordinance, the Charter Ordinance took effect.

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Brenda Younger, City Clerk

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CERTIFICATE

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109 CITY OF TOPEKA)

110 COUNTY OF SHAWNEE) ss:

111 STATE OF KANSAS)

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113 I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of
114 Kansas do hereby certify that the above and foregoing, consisting of 5 typewritten pages,
115 including the page upon which this Certificate is written, is a full true and correct copy of
116 Charter Ordinance No. 98 of the said City of Topeka, that all acts and things required by
117 Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in
118 the manner and within the time prescribed and that said Charter Ordinance became
119 effective on the _____ day of _____, 2009.

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Brenda Younger, City Clerk _____