

1 (Published in the Topeka Metro News February 24, 2006)
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3
4 ORDINANCE NO. 18572
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6 AN ORDINANCE introduced by Councilmembers Bill Haynes, John Alcala, and Richard
7 Harmon establishing a franchise fee refund program for the City of
8 Topeka, amending City of Topeka Ordinance No. 18337 and
9 repealing City of Topeka Ordinance No. 18337 in its entirety.
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11 Whereas, gas and electric franchise fee increases have a disproportionate impact
12 on lower income city residents; and

13 Whereas, the Council of the City of Topeka, Kansas hereby finds that it is in the
14 best interest of the City of Topeka to provide lower income residents of the city with relief
15 from rising utility fees by establishing a franchise fee refund program.

16 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA,
17 KANSAS:

18 **Section 1. Utility Franchise Fee Refund Program**

19 There is hereby established a Utility Franchise Fee Refund Program in the City of
20 Topeka. Subject to the terms and conditions established herein, eligible gas and electric
21 utility ratepayers in the City of Topeka may receive a refund of gas and electric franchise
22 fees paid by the ratepayer for property located within the city.

23 **Section 2. Eligibility**

24 Only those ratepayers age 65 and over, and who are eligible for and actually receive
25 a refund from the State of Kansas Homestead Property Tax Refund program, as provided
26 in KSA 79-4501 *et seq.* (as amended), may receive franchise fee refunds as provided
27 herein.

28 **Section 3. Refund Procedure**

29 Franchise fee refunds shall be issued pursuant to the following procedure:

30 a. Application for a franchise fee refund shall be made by ~~June~~ July 15 of each
31 year for the preceding calendar year paid franchise fees.

32 b. Applications shall be made on a form approved by the City of Topeka
33 Director of ~~Administrative and Finance~~ Financial Services and shall be
34 accompanied by the following documents and information:

35 i. Copy of the ratepayer's Homestead Property Tax Refund claim form
36 or verification obtained by the City of Topeka Director of
37 Administrative and Financial Services for the preceding calendar year
38 for the residence for which gas and electric utility franchise fees have
39 been paid.

40 ii. Proof of payment or approval of a Homestead Property Tax Refund
41 for the preceding calendar year for the residence for which gas and
42 electric utility franchise fees have been paid.

43 iii. Proof in a form acceptable to the City of Topeka Director of
44 Administrative and Finance Financial Services that franchise fees in
45 the claimed amount have been paid by the ratepayer for the identified
46 residence.

47 c. Upon receipt of the required application, documents and information, the City
48 of Topeka ~~Administrative and Finance~~ Financial Services Director shall,
49 within thirty (30) days, either issue a refund of the claimed franchise fees to

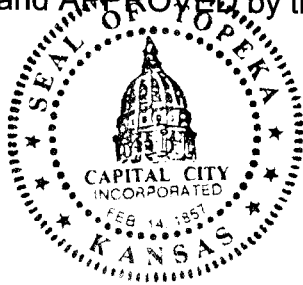
50 the ratepayer or, if the refund application is rejected for any reason, notify the
51 ratepayer of the reason for the rejection.

52 d. A ratepayer whose application is rejected may appeal the rejection to the City
53 of Topeka ~~Chief Administrative Officer~~ City Manager whose decision on the
54 matter shall be deemed final and unappealable.

55 Section 4. That City of Topeka Ordinance No. 18337 is hereby specifically
56 repealed.

57 Section 5. This Ordinance shall take effect and be in force from and after its
58 passage, approval and publication in the official city newspaper.

59 PASSED and APPROVED by the City Council February 21, 2006.



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64 ATTEST:

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67 Iris E. Walker
68 Iris E. Walker, City Clerk
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William W. Buntin
William W. Buntin, Mayor

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APPROVED AS TO FORM AND LEGALITY
DATE <u>02-15-06</u> BY <u>JRD</u>
TO BE CODIFIED _____
NOT TO BE CODIFIED <u>X</u>