

1 (Published in the Topeka Metro News March 15, 2006)
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4 ORDINANCE NO. 18584
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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, and repealing City of Topeka Ordinance No. 18572 in its
9 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
17 TOPEKA, KANSAS:

18 Section 1. That City of Topeka Code § 146-17, Reserved, is hereby amended by
19 the addition of the following language:

20 **Utility Franchise Fee Refund Program.**

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

25 **Eligibility.**

26 Commencing for the tax year of 2006 only those ratepayers who fit the income, age,
27 dependents and other requirements of the State of Kansas Homestead Property Tax
28 Refund law, as amended from time to time, and actually receive a refund from the State of

29 Kansas Homestead Property Tax Refund program, as provided in K.S.A. 79-4501 et seq.,
30 (as amended), may receive franchise fee refunds as provided herein.

31 **Refund Procedure.**

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

- 33 a. Application for a franchise fee refund shall be made by July 15 of 2006 and
34 of each subsequent year for the preceding calendar year paid franchise fees.
- 35 b. Applications shall be made on a form approved by the City of Topeka
36 Director of Administrative and Financial Services and shall be accompanied
37 by the following documents and information:
- 38 i. Copy of the ratepayer's Homestead Property Tax Refund claim form
39 or verification obtained by the City of Topeka Director of
40 Administrative and Financial Services for the preceding calendar year
41 for the residence for which gas and electric utility franchise fees have
42 been paid.
- 43 ii. Proof of payment or approval of a Homestead Property Tax Refund
44 for the preceding calendar year for the residence for which gas and
45 electric utility franchise fees have been paid.
- 46 iii. Proof in a form acceptable to the City of Topeka Director of
47 Administrative and Financial Services that franchise fees in the
48 claimed amount have been paid by the ratepayer for the identified
49 residence.
- 50 c. Upon receipt of the required application, documents and information, the City
51 of Topeka Director of Administrative and Financial Services shall, within thirty

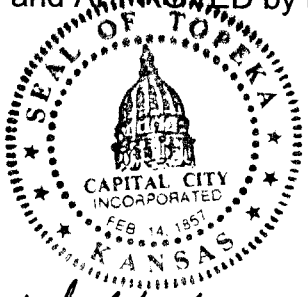
52 (30) days, either issue a refund of the claimed franchise fees to the ratepayer
53 or, if the refund application is rejected for any reason, notify the ratepayer of
54 the reason for the rejection.

55 d. A ratepayer whose application is rejected may appeal the rejection to the City
56 of Topeka City Manager whose decision on the matter shall be deemed final
57 and unappealable.

58 Section 2. That City of Topeka Ordinance No. 18572 is hereby specifically
59 repealed.

60 Section 3. This Ordinance shall take effect and be in force on and after January
61 1, 2007, and after its passage, approval and publication in the official city newspaper.

62 PASSED and APPROVED by the City Council MAR 07 2006



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67 ATTEST:

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69 Iris E. Walker
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71 Iris E. Walker, City Clerk

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73
74 William W. Bunten
75 William W. Bunten, Mayor

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APPROVED AS TO FORM AND LEGALITY
DATE <u>3/9/06</u> BY <u>BL</u>
TO BE CODIFIED <input checked="" type="checkbox"/>
NOT TO BE CODIFIED <input type="checkbox"/>