

1 (Published in the Topeka Metro News July 26, 2006)

2
3 ORDINANCE NO. 18675

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5 AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., and
6 Councilmember Clark Duffy, amending §§ 1 through 11 of Ordinance
7 No. 18132 and re-establishing the Advantage Topeka Program which
8 provides for a loan forgiveness program for eligible students enrolled
9 at the University of Kansas and such other higher educational
10 institutions as the City Council may designate and specifically
11 repealing §§ 1 through 11 of Ordinance No. 18132.
12

13 WHEREAS, the City Council (the "City") did on November 25, 2003, pass and
14 approve Ordinance No. 18132 which established a loan forgiveness program for eligible
15 students enrolled at the University of Kansas and such other higher educational institutions
16 as the City Council may designate.

17 WHEREAS, the City Council desires to amend certain sections of Ordinance No.
18 18132 and re-establish the Advantage Topeka Program.

19 NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
20 TOPEKA, KANSAS:

21 Section 1. That § 1 of City of Topeka Ordinance No. 18132 is hereby amended
22 to read as follows:

23 **ADVANTAGE TOPEKA PROGRAM**

24 The program authorized by this Ordinance shall be known as the Advantage
25 Topeka Program (the "Program"). The Program shall provide loans to and establish a loan
26 forgiveness program for students at the University of Kansas (KU) and such other
27 accredited two (2) and four (4) year degree granting institutions of higher learning which
28 shall be designated by resolution of the City Council who become employed in
29 occupational areas of high demand in the City of Topeka.

30 Section 2. That § 2 of City of Topeka Ordinance No. 18132 is hereby amended
31 to read as follows:

32 **FINANCIAL CONTRIBUTIONS**

33 ~~The Advantage Topeka Trust Fund is hereby created in the City treasury. All~~
34 ~~appropriations, private donations, and other funds provided for the Program shall be~~
35 ~~transferred periodically by the City deposited directly to the endowment association of KU~~
36 ~~("KUEA") or other designated educational institution to be maintained in a restricted fund~~
37 ~~known as the Advantage Topeka Loan Program. All funds transferred from the City~~
38 ~~Advantage Topeka Trust Fund to the endowment association of KU or other designated~~
39 ~~educational institution restricted~~ The Advantage Topeka Loan Program shall be maintained
40 in perpetuity as an endowment; and invested; and the earnings from such investments will to
41 be used to make loans from the revolving loan fund. The endowment association of KU
42 KUEA or other designated educational institutions will administer the Advantage Topeka
43 Loan Program without cost to the City. KUEA and any other designated educational
44 institutions and its their endowment association's shall make a financial contribution to the
45 Program equal to that made by the City. Further, the City's financial contribution to the
46 Program shall be limited to an amount equal to that jointly provided by KUEA or other
47 designated educational institution and its endowment association. Any balance, not
48 transferred to the endowment association of KU or other designated educational institution
49 by the end of the accounting period shall not revert to the General Revenue Fund may be
50 fulfilled through direct support to the eligible students in the form of other loans,
51 scholarships, grants or other payments equal to the amount provided to such students by

52 the Program. The source of this support may be existing resources and/or new gifts from
53 donors who have not previously been identified by the City.

54 Section 3. That § 3 of City of Topeka Ordinance No. 18132 is hereby amended
55 to read as follows:

56 **~~Definitions.~~DEFINITIONS**

57 a. ~~Chief Administrative Officer~~ means the Chief Administrative Officer **City**
58 **Manager** means the chief executive officer of the City or his/her designee.

59 b. ~~Eligible student~~ **Eligible student** means an individual who is enrolled at least
60 half-time at KU or other designated educational institution, who meets the eligibility
61 requirements pursuant to the Program, and who meets the following additional
62 requirements:

63 1. Resident of the City of Topeka at the time of graduation from a high
64 school;

65 2. Has received a high school diploma, general educational
66 development certificate (GED), or its equivalent from a high school located within
67 Shawnee County;

68 3. Maintains satisfactory academic progress as determined by KU in
69 pursuing a baccalaureate, graduate or professional degree or maintains satisfactory
70 academic progress at such other designated educational institution in pursuing a one
71 (1) year or two (2) year certificate. Failure to maintain satisfactory academic
72 progress shall result in ineligibility for continued participation in the Program and
73 ineligibility for forgiveness of any loan or loans received;

74 4. Is not currently confined in any federal or state correctional facility or
75 jail;

76 5. Has not defaulted on the repayment of any previously granted higher
77 education loan; and

78 6. Submits an application provided by the Office of Financial Aid at KU
79 or other designated educational institution for participation in the Program.

80 e. ~~Fund means the Advantage Topeka Trust Fund as established by this~~
81 ~~Ordinance.~~

82 cd. **Occupational areas of high demand** means the specific professions or skill
83 areas for which the ~~Chief Administrative Officer~~ City Manager determines that the City is
84 experiencing or may experience a shortage of qualified employees.

85 de. **Program** means the Advantage Topeka Program established pursuant to
86 this Ordinance.

87 ef. **Restricted Advantage Topeka Loan Program** a perpetual revolving loan
88 fund established at the ~~endowment association of KUEA~~ or other designated educational
89 institution.

90 Section 4. That § 4 of City of Topeka Ordinance No. 18132 is hereby amended
91 to read as follows:

92 **DESIGNATIONS OF PROFESSIONS AND SKILLS**

93 By June 1, 2003, and by June 1, of each year thereafter, the ~~Chief Administrative~~
94 ~~Officer~~ City Manager shall designate occupational areas of high demand in the City. The
95 ~~Chief Administrative Officer~~ City Manager shall also designate professions and skill areas
96 directly related to the areas of high demand, and the degree programs or certifications

97 directly leading to employment in such areas. In making such designations, the ~~Chief~~
98 ~~Administrative Officer~~ City Manager shall consult with the City departments and private
99 sector business and labor groups. The ~~Chief Administrative Officer~~ City Manager shall also
100 consult with other private and public agencies and individuals with expertise related to labor
101 markets, geographic and demographic analysis and solicit input from interested parties
102 throughout the City in order to ensure that:

- 103 a. The diverse needs of the City are considered; and
- 104 b. That these designations reflect the broad long-term economic,
105 educational, and public policy interests of the City in both the public and private sectors.

106 Section 5. That § 5 of City of Topeka Ordinance No. 18132 is hereby amended
107 to read as follows:

108 ~~Limitations on participation.~~ **LIMITATIONS ON PARTICIPATION**

109 An eligible student may participate in the Program for up to four (4) semesters, or
110 their equivalent, whether consecutive or not, and may be awarded a loan of up to two
111 thousand five hundred dollars (\$2,500.00) per academic year if enrolled as a full-time
112 student. The total amount loaned shall not exceed a maximum of five thousand dollars
113 (\$5,000.00). The loaned amount will be pro-rated for those enrolled at least half-time but
114 less than full-time. No student shall be eligible to participate in the Program more than
115 seven (7) years after beginning such participation.

116 Section 6. That § 6 of City of Topeka Ordinance No. 18132 is hereby amended
117 to read as follows:

118 ~~Loan Forgiveness, when.~~ **LOAN FORGIVENESS**

119 Eligible students who are in compliance with the Program requirements may qualify
120 for forgiveness of a loan or loans received through the Program by agreeing to be
121 employed in an occupational area of high demand as determined by the ~~Chief~~
122 ~~Administrative Officer~~ City Manager, within the City of Topeka. The employment shall
123 begin within one (1) calendar year of graduation or completion of the certificate program by
124 the individual from KU or other designated educational institution. The employment must
125 also comply with the other requirements as outlined in the contract pursuant to this
126 Ordinance. The employment qualifying the eligible student for loan forgiveness shall be
127 approved by the ~~Chief Administrative Officer~~ City Manager. The City shall approve loan
128 forgiveness on a year-for-year basis, with each year of approved employment qualifying
129 the student for the forgiveness of one (1) year's Advantage Topeka Loans. Students
130 electing not to comply with these employment requirements or students failing to meet
131 these requirements shall be required to repay with interest any or all loans received,
132 pursuant to contractual provisions described herein.

133 Section 7. That § 7 of City of Topeka Ordinance No. 18132 is hereby amended
134 to read as follows:

135 ~~Contract for participation, terms and conditions.~~ **CONTRACT FOR**
136 **PARTICIPATION, TERMS AND CONDITIONS**

137 a. Each individual qualifying for participation in the Program at the time the
138 individual declares a major or decides on course of study, if a major is not declared at KU

139 or other designated educational institution, shall sign a promissory note. The promissory
140 note shall contain, but not be limited to, the following:

141 1. The terms and conditions under which the loan is made, and the
142 requirements for repayment of the loan by the student;

143 2. Interest shall be charged according to the terms and conditions
144 established by the ~~endowment association of~~ KUEA or other designated educational
145 institution;

146 3. The terms and conditions for qualifying for forgiveness of loan
147 proceeds received through the Program; and

148 4. The amount of any penalties assessed, in the event repayment of the
149 loan by the student is not made in accordance with the contract, or the student fails
150 to maintain eligibility or other requirements of the Program.

151 b. The interest rate for the following academic year shall be established by the
152 ~~endowment association of~~ KUEA or other designated educational institution no later than
153 August 1 of each year.

154 c. This Ordinance shall not be construed to require the KUEA or other
155 designated educational institution or its endowment association to make a loan to
156 individuals who otherwise qualify for the Program when funds are not available for such
157 purpose.

158 d. Loans will be made from available funds based upon the date of receipt of
159 the loan application.

160 Section 8. That § 8 of City of Topeka Ordinance No. 18132 is hereby amended
161 to read as follows:

162 ~~Not a guarantee of admission, attendance or graduation.~~**NOT A GUARANTEE**
163 **OF ADMISSION, ATTENDANCE OR GRADUATION**

164 Nothing in this Ordinance shall be construed as a promise or guarantee by the City
165 that a person will be admitted to KU or other designated educational institution, will be
166 allowed to continue to attend after having been admitted, or will be graduated from KU or
167 other designated educational institution.

168 Section 9. That § 9 of City of Topeka Ordinance No. 18132 is hereby amended
169 to read as follows:

170 ~~Tax rebate for donations to fund.~~**TAX REBATE FOR DONATIONS TO FUND**

171 a. As used in this section, the term “taxpayer” means an individual, a
172 partnership, or a corporation paying property tax to the City of Topeka.

173 b. Any taxpayer may make a contribution to the Fund within the limits specified
174 in subsection C of this section. A taxpayer shall be allowed a rebate of ad valorem taxes
175 imposed by the City, and paid by the taxpayer; up to fifty percent (50%) of the total amount
176 contributed to the Fund, not to exceed one hundred thousand dollars (\$100,000.00) per
177 taxpayer, per annum. Copies of real estate property tax statements and a copy of the
178 receipt from the treasurer’s office or a copy of the cancelled check(s) should be sent to the
179 City of Topeka’s Department of Administrative and Financial Services.

180 c. The Department of Administrative and Financial Services of the City shall
181 administer the tax rebates pursuant to this Ordinance and shall certify eligibility for the tax
182 rebates in the order applications are received. The total amounts of tax rebates certified in

183 any one (1) calendar year shall not exceed two hundred and fifty thousand dollars
184 (\$250,000.00) annually. Contributions of up to one hundred thousand dollars
185 (\$100,000.00) per annum per taxpayer may be certified by the department as a qualified
186 contribution for purposes of receiving a tax rebates under the Program. Rebate payments
187 will be made to the taxpayer after the real estate property taxes for the current year have
188 been paid.

189 Section 10. That § 10 of City of Topeka Ordinance No. 18132 is hereby repealed.

190 ~~This Ordinance shall sunset on January 1, 2007. Any loans outstanding as of~~
191 ~~January 1, 2007, shall remain in force and effect in accordance with the terms of the~~
192 ~~promissory note.~~

193 Section 11. That § 11 of City of Topeka Ordinance No. 18132 is hereby amended
194 to read as follows:

195 ~~Severability.~~ **SEVERABILITY**

196 If any part or parts of this Ordinance shall be held unconstitutional, invalid, or
197 otherwise unenforceable by any Court of competent jurisdiction, such decision shall not
198 affect the validity of the remaining provisions of this Ordinance.

199 Section 12. That original §§ 1 through 11 of City of Topeka Ordinance No. 18132
200 are hereby specifically repealed.

201 Section 13. This Ordinance shall take effect and be in force from and after its
202 passage, approval and publication in the official City newspaper.

203 PASSED and APPROVED by the City Council July 18, 2006.

204 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

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209 ATTEST:

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Iris E. Walker, City Clerk