

Council Minutes – May 20, 2014

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 20, 2014. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -8. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Reverend Dr. Neil F. Buono, Prince of Peace Lutheran Church, gave the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

A PRESENTATION on the Citizen Government Review Committee Report (*Attachment A*) was provided by Jim Reardon, Committee Chair.

Mayor Wolgast introduced the members of the Citizen Government Review Committee including Jim Reardon, Committee Chair; Maynard Oliverius, Tina Williams, John Nave and Judy Moler.

Jim Reardon stated the Committee was impaneled to study and review the current form of government of the City of Topeka and make recommendations to the Governing Body for amendment or modification. He provided a brief history of the different forms of government dating back to 1983. He reported there was one consistent area of concern expressed by current and former elected officials, as well as, citizens and area business professionals and that is, “there is no clear direction for the mayor.” He listed the following recommendations of the Committee members agreed to by unanimous consent:

- Section A2-4. Form of Government: Supports the Council—Manager form of Government.
- Section A2-21. Composition: That all 9 districts are retained and that all district representatives have equal voice, vote and power on the Governing Body.

- That all ten Governing Body members will be voting members with the exception that the Mayor will not have a vote on any matter upon which he/she has been given veto power by operation of law.
- That Governing Body members be elected on a nonpartisan basis. That all members continue to stand for election every four years on a staggered election basis. That Primary and General elections continue to be held at the current election dates.
- That the Governing Body be a 10 member body consisting of 9 members running for election from the council districts where they reside and a Mayor who resides in the city and is elected at-large. During a primary election held within the district, the two nominees from each district receiving the greatest number of votes within the district will stand for election in the General election on an at-large basis.
- Changing references to “Council” or “Councilmember” to “Governing Body” and “Governing Body” member. The committee would retain the language indicating that the Governing Body will have no administrative powers.
- That the Mayor serves as the presiding member for the purpose of conducting the business meetings of the city. As such, the Mayor would chair committees of the entire body, such as the budget committee and the committee of the whole.
- That the Mayor shall review the budget and strategic plan prepared by the City Manager and provide input and recommendations to the Governing Body.
- The governing body adopts language drafted by Deputy City Attorney Mary Feighny to bring the Topeka Charter Ordinance into compliance with State law.
- That a long range planning committee made up of city and county leaders be convened for the purpose of resolving issues and implementing a workable plan to consolidate city-county government.

Jim Reardon thanked the Governing Body for allowing the committee to serve.

Councilmember Hiller expressed her appreciation to the Citizen Government Review Committee for being thorough and engaging the public through the entire process.

Mayor Wolgast reported there is an additional page under Appendix No. 2 which outlines examples of items upon which the Mayor votes. He noted Appendix No. 3 indicates changes need to be made to the charter ordinance to follow State statutes in regards to the Mayor’s vote, veto and veto override by the Council. He stated the well-researched arguments for the mixed

at-large system (and other topics) presented in a paper by Mr. Allyn Lockner were very informative and commented on the process moving forward with the Council voting on the suggested recommendations.

Councilmember Schmidt thanked the committee for their service and taking on the difficult task. He stated a great deal of information was uncovered and commended them for their work.

Councilmember Hiller questioned if the public should vote on the recommendations instead of the Council.

Jim Reardon stated he did not know if the recommendations should come before the public for a vote at this time.

Mayor Wolgast stated he believes it would depend on the recommendation and how they should be handled as stated in the charter ordinance.

Jim Reardon stated some details are very limited in the charter ordinance which lead the committee to the understanding of why it is important to have this type of government review every ten (10) years.

Jim Colson, City Manager, requested to withdraw Council agenda items 5C, a resolution regarding the 2015-2019 Capital Improvement Program (CIP) and 2015-2017 Capital Improvement Budget (CIB); and item 5D, a resolution regarding the issuance of revenue bonds for issuance of Enterprise Fund projects from the Council agenda and place the items on the June 3, 2014, Council agenda. He reported the request is due to the length of the Council agenda this evening and questions and/or concerns that have been raised by Councilmembers concerning the CIP and CIB.

Upon hearing no objections, Mayor Wolgast announced the items would be withdrawn from the Council agenda and placed on the June 3, 2014, Council agenda.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Mike Wilson to the Board of Building and Fire Appeals for a term ending May 31, 2016, was presented.

BOARD APPOINTMENT recommending the re-appointment of Thomas Woltkamp to the Board of Building and Fire Appeals for a term ending May 31, 2016, was presented.

BOARD APPOINTMENT recommending the re-appointment of Jeff Romaine to the Board of Plumbing Examiners for a term ending May 31, 2016, was presented.

BOARD APPOINTMENT recommending the re-appointment of Neil Carlson to the Board of Plumbing Examiners for a term ending May 31, 2016, was presented.

BOARD APPOINTMENT recommending the re-appointment of Charles Smelter to the Board of Mechanical Examiners for a term ending June 30, 2016, was presented.

BOARD APPOINTMENT recommending the re-appointment of Bill Beachy to the Topeka Human Relations Commission for a term ending May 31, 2016, was presented.

BOARD APPOINTMENT recommending the re-appointment of Lorean Williams to the Topeka Human Relations Commission for a term ending May 31, 2016, was presented.

RESOLUTION NO. 8618 introduced by Councilmember Sylvia Ortiz, granting Randy Wheat an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of May 13, 2014, were presented.

Councilmember Harmon moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

ORDINANCE NO. 19905 introduced by Councilmember Chad Manspeaker, concerning Domestic Partnership Registry by creating new Chapter 2.150 of the City of Topeka Municipal Code, was presented.

Councilmember Manspeaker thanked citizens and staff involved in crafting the legislature; and conducted many public meetings with no opposition expressed by those that attended; however, he reported he received many emails containing a form letter expressing opposition to the ordinances. He highlighted his response to the form letter by stating, sexual orientation is an identity, not a behavior, and has been covered in the city's employment policy for some time with no concerns; the domestic partnership does not create a marriage substitute; it would not insure any rights or responsibilities; management of the registry would not be time consuming; fees would be designed to cover the costs so no tax dollars would be spent; the American Psychological Association, the American Psychiatric Association and the American Medical Association have all endorsed gender identity as an authentic identity; and Gender Identity Disorder is no longer a diagnosis. He also stated approval of the ordinances supports economic development by opening the doors for employment to the most qualified professionals.

Chad Sublet, City Attorney, provided the definition of a domestic partner; listed the domestic partnership registry criteria; outlined the registration process and discussed procedures and fees. He also commented on the procedure for removal from the registry and criteria.

Vicki George, Pedro Irigonegaray, Shaun Kelly, Gary Smith, Bill Beachy, Amelia Markham, Stephanie Mott and Judy Pfeifer spoke in support of the ordinance. The following list highlights the comments made by these individuals:

- The registry would provide support and recognition to all couples
- All citizens should be treated equally
- The registry could allow families and children to have access to benefits that they deserve

- The registry would not violate the Kansas Constitution

Louis Dolton, Jan Medley, Mary Catherine Toburen, Frances Wood, Jim Lord, Harry Bishop, Gregory Smith, Robert Noland, Cecil Washington, Jim Hermesh and Kirk Nystrom spoke in opposition of the ordinance. The following list highlights the comments made by these individuals:

- Concerned with the effect the registry would have on the community and additional burden placed on the City
- Increased health risks
- Marriage is a union that should be between a man and woman only
- Requested the issue to be placed on the ballot for a public vote
- Referenced a Capital Journal newspaper article on September 22, 2013, which polled people about the ordinances and 62% opposed the issue
- Could create increases in healthcare costs

Councilmember Manspeaker thanked everyone for expressing their view and stated it is very important to have dialogue because the community shapes the future and keeps democracy strong.

Councilmember Manspeaker moved to adopt the ordinance. The motion was seconded by Councilmember De La Isla.

Councilmember De La Isla thanked the community for their involvement in the issue and urged those who oppose the issue to read the Bible in its full context that everyone is a person and should be treated as such. She reviewed the statistics and studies of a domestic partnership registry which can offer a higher caliber of professionals to the community. She stated she understands this is a difficult subject for most people; however, changes are made by everyday people and this would only allow domestic partners to receive benefits.

Councilmember Schmidt emphasized the ordinance provides a registry/documentation for any two people in a relationship to get benefits that are related to their employment and can provide the proof that some hospitals require so people can visit their partner. He noted his

constituents universally support the ordinance because it improves recruitment of professionals to the community. He referenced hate crimes in the community and stated if measures such as this ordinance help the equality in the community, he would fully support it.

Councilmember Ortiz asked if a fee has been established for the registry and if any legal rights have been established for individuals that register.

Chad Sublet stated a fee has not yet been established and the ordinance does not create any legal rights.

Councilmember Ortiz made a substitute motion to place the issue on the ballot. The motion was seconded by Councilmember Schwartz.

Councilmember Harmon asked the City Attorney if there are statutes that regulate the process of placing an issue on a referendum.

Chad Sublet stated he would direct staff to research the procedure to place an issue on a referendum and report back to the Council.

Councilmember Ortiz made a motion to amend the substitute motion to follow the process as stated by the City Attorney. The second concurred.

Councilmember Hiller spoke in opposition of the substitute motion and stated the issue is straightforward and would not need the time or expense of a public vote.

The motion to amend the substitute motion to direct staff to research the procedure that would allow the Council to take the necessary steps to place the issue on a referendum failed. Councilmembers Hiller, Everhart, De La Isla, Manspeaker, Schmidt and Harmon voted “no.” (2-6-0)

The motion to adopt the ordinance carried. Councilmembers Ortiz, Schwartz and Harmon voted “no.” (5-3-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Everhart, De La Isla, Manspeaker and Schmidt -5. Noes: Ortiz, Schwartz and Harmon -3.

ORDINANCE NO. 19906 introduced by Councilmember Chad Manspeaker, concerning the affirmative action program for City employees amending City of Topeka Code Section 2.135.020 and 2.135.040 and specifically repealing said original sections was presented.

Chad Sublet, City Attorney, provided an overview of each section of the ordinance.

Councilmember Ortiz asked the City Attorney to define “good faith effort” and questioned if it is guaranteed.

Chad Sublet stated good faith effort is defined as a diligent and honest effort under the same set of facts or circumstances.

Vicki George, Pedro Irigonegaray, Amy Cohen, Bill Beachy, Liatrix Studer, Stephanie Mott and Judy Pfeifer spoke in support of the ordinance. The following list highlights the comments made by these individuals:

- Gender identity encourages diversity in the community
- Would provide equality under the law
- Topeka Human Relations Commission supports the ordinance
- Would provide the most qualified people to be employed with the City of Topeka

Louis Dolton, Jim Lord, Harry Bishop, Robert Noland, Jan Medley, Gary Smith, and Joe Foreman spoke in opposition of the ordinance. The following list highlights the comments made by these individuals:

- The definition of gender identity is confusing and subjective
- Requested the issue to be placed on the ballot for a public vote
- Could have serious ramifications
- Should focus on consistent benefits for all employees

Councilmember Manspeaker moved to adopt the ordinance. The motion was seconded by Councilmember De La Isla.

Councilmember Ortiz made a substitute motion to direct staff to research the procedure that would allow the Council to take the necessary steps to place the issue on a referendum. The motion was seconded by Councilmember Schwartz.

Councilmember Hiller spoke in opposition of the substitute motion. She stated the ordinance effects the employment practices of the City of Topeka and the Governing Body should make this decision as the policy making body.

Councilmember Everhart stated she believes the issue would not be allowed to be presented to the public on a referendum.

Chad Sublet stated the ordinance would be considered administrative in nature; therefore, it would not be allowed to be placed on a ballot.

The substitute motion to direct staff to research the procedure that would allow the Council to take the necessary steps to place the issue on a referendum failed. Councilmembers Hiller Everhart, De La Isla, Manspeaker, Schmidt and Harmon voted “no.” (2-6-0)

Councilmember Schmidt spoke in support of the ordinance and stated it would treat all people with respect.

Councilmember Hiller spoke in support of the ordinance and stated she believes everyone should have an equal opportunity for employment and be treated with respect on the job with the same benefit options as anyone else.

Councilmember De La Isla spoke in support of the ordinance and stated there is a need to address this issue and protect classifications.

Councilmember Ortiz stated she believes the ordinance would not resolve the issue because people need to change from within themselves to accept others.

The motion to adopt the ordinance carried. Councilmembers Ortiz, Schwartz and Harmon voted “no.” (5-3-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Everhart, De La Isla, Manspeaker and Schmidt -5. Noes: Ortiz, Schwartz and Harmon -3.

ORDINANCE NO. 19907 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of March 29, 2014, through April 25, 2014, and enumerating said expenditures therein was presented.

Doug Gerber, Administrative and Financial Services Director, reported approval would authorize City expenditures in the amount of \$11,411,015.71.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -8.

RESOLUTION NO. 8619 introduced by Deputy Mayor Denise Everhart regarding the City Council’s 2015 budget priorities was presented.

Councilmember Everhart moved to approve the resolution. The motion was seconded by Councilmember Schmidt.

Councilmember Harmon spoke in support of the resolution and stated the listed priorities provide sufficient direction for the 2015 City of Topeka Operating Budget.

Mayor Wolgast stated he believes the timeline to establish Council priorities for the budget should occur earlier in the year. He suggested reviewing the process for next year’s priorities.

Councilmember Ortiz stated she concurs with Mayor Wolgast that the timing does not allow the opportunity for much discussion. She asked for clarification regarding the support of infrastructure and what that would involve.

Councilmember Everhart reported investing in infrastructure was a top priority expressed by the public, as well as, public safety.

Jim Colson, City Manager, stated the concept is to continue the program to maintain and look for ways to improve infrastructure and address long term issues with utilities.

Councilmember Hiller spoke in support of the resolution and expressed her appreciation that the priorities include fiscal sustainability.

The motion to approve the resolution carried unanimously. (8-0-0)

Retail Cereal Malt Beverage License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Casey's General Store #2261	600 SE Rice Road
Casey's General Store #2312	4441 SE California Avenue
Dillons #47	2815 SW 29 th Street
Dillons #54	800 NW 25 th Street
Dillons #58	1400 SW Huntoon Street
Dillons #67	2010 SE 29 th Street
Dillons #87	5311 SW 22 nd Place
Dillons #88	4015 SW 10 th Avenue
Kwik Shop 705	1114 NW Topeka Boulevard
Kwik Shop 713	5700 SW 21 st Street
Kwik Shop 720	102 SW 37 th Street
Kwik Shop 729	1700 SW Topeka Boulevard
Kwik Shop 740	2277 SW 10 th Avenue
Kwik Shop 757	2619 SW 21 st Street
Kwik Shop 780	2520 SW 6 th Avenue
Kwik Shop 781	4500 SW Topeka Boulevard
Kwik Shop 788	1414 SW 17 th Street
Kwik Shop 789	746 NE Wabash
Walgreens #02846	2915 SW Gage Boulevard
Walgreens #03069	1001 SW Topeka Boulevard
Walgreens #03772	2901 SE California Avenue
Walgreens #04557	2121 SW Fairlawn Road
Walgreens #04782	3696 SW Topeka Boulevard

<u>Business Name</u>	<u>Address</u>
Walgreens #04981	3630 SW Wanamaker Road
Walgreens #07778	1001 SW Gage Boulevard
Walgreens #15601	2101 NW Topeka Boulevard
Walmart #1802	1501 SW Wanamaker Road
Walmart #2131	1301 SW 37 th Street
Walmart #5441	2600 NW Rochester Road

Councilmember Everhart moved to approve the retail cereal malt beverage license applications as presented. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

ANNOUNCEMENTS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

The City Clerk provided a brief summary of the June 3, 2014, Council agenda.

Jim Colson, City Manager, announced a town hall meeting would be scheduled to gather public input on what qualities the community would like to have in a Police Chief on June 2, 2014, or June 9, 2014, at the Cyrus K. Holliday building located at 620 S.E. Madison with the time to be determined. He stated it is important to understand what the community sees as challenges, as well as, what works well in regards to the Topeka Police Department.

Mayor Wolgast stated the City of Topeka was served well by First Lady Michelle Obama, and the great speech she gave in honor of Senior Appreciation Day on May 16, 2014, at the Kansas Expocentre. He noted it was a great event and commended the 2014 high school graduates on their achievements. He reported he attended the Kansas Mayors Conference which was an extremely educational event. He commented on the City of Manhattan and the presentation given at the conference concerning the development of their downtown area. He encouraged the Governing Body to visit and experience the area for themselves.

Councilmember Schwartz encouraged citizens to celebrate and remember the purpose of the Memorial Day holiday.

Councilmember Schmidt thanked the community for participating in the Brown v. Board of Education 60th Anniversary celebration events, as well as, the outstanding speech given by First Lady Michelle Obama. He reported the community spirit was remarkable and included a large number of people celebrating many events and Topeka's role in the civil rights movement.

Councilmember Harmon referenced the unlawful employment practices ordinance approved by the Council and expressed concern with the language of the ordinance being unique to the City of Topeka. He stated he believes any discrimination other than the ability to perform a job is wrong. He requested that staff draft a language amendment that would accomplish a similar statement, that "there is no basis for discrimination on any level except the lack of ability to perform the job."

Councilmember Hiller commended staff and area organizations for the positive responses in resolving a number of community issues. She also commended those involved in the Brown v. Board of Education 60th Anniversary events and the excellent speech given by First Lady Michelle Obama. She noted it was a great weekend for the city of Topeka.

Councilmember Ortiz thanked Councilmember Hiller and Councilmember Schmidt for representing the Council during the Brown v. Board of Education 60th Anniversary celebration events. She asked Council District No. 2 constituents to be patient while she tries to respond to their questions and concerns as soon as she is able. She announced the Topeka Metro Transit Kids Ride Free Program would be provided to kids through age 18 from May 15th through August 15th on fixed bus routes. She congratulated the 2014 graduates and reminded citizens to slow down and watch for children during the summer months.

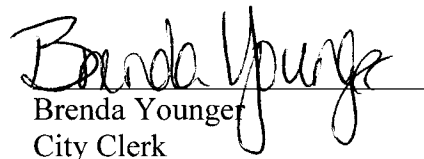
Councilmember Everhart congratulated all 2014 graduates and commented on the outstanding speech given by First Lady Michelle Obama, as well as, the excellent speeches given by the student speakers.

Councilmember De La Isla reported the Economic and Community Development Committee hosted meetings to address social service funding. She stated she is honored and delighted to work with such committed individuals as the Topeka City Councilmembers and Mayor. She stated May 16-18, 2014, was an example of what Topeka has to offer and believes the city should celebrate its rich history more often.

Councilmember Manspeaker stated he believes he has an obligation and duty to serve the members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community to see that they have the same rights as everyone else. He commented on the process of drafting the two ordinances regarding the domestic partnership registry and unlawful employment practices and believes it was a very open process that provided plenty of time for public input. He noted he would consider all amendments to the ordinances to ensure the City has the best possible employees because it is about fighting for people in our community. He thanked all the people who helped him through the endeavor.

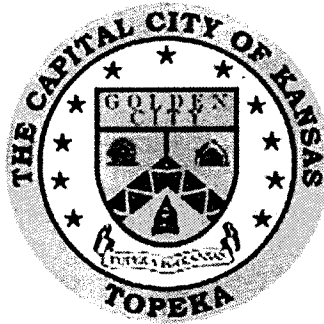
NO FURTHER BUSINESS appearing the meeting was adjourned at 9:43 p.m.




Brenda Younger
City Clerk

THE CITIZENS GOVERNMENT REVIEW COMMITTEE

REPORT



***City of Topeka, Kansas
May 20, 2014***

CITIZENS GOVERNMENT REVIEW COMMITTEE

FINAL REPORT

2014

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CITIZENS GOVERNMENT REVIEW COMMITTEE

FINAL REPORT

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Presented by:

CITIZENS GOVERNMENT REVIEW COMMITTEE 2014

Jim Reardon - Committee Chair (*City Council District No. 6 Nominee*)

Jim is a graduate of Washburn University Law School. He is president of Peoples Wealth Management LLC investment advisors. Jim was a Topeka City Council member for 12 years and a former division director at the Kansas Dept. of Administration.

Judy Anderson Moler - Committee Member (*City Council District No. 9 Nominee*)

Judy is an attorney with extensive experience in local government law. She worked for the City of Wichita and the Kansas Association of Counties. She has served on the Mayor's Commission for the Status of Women and is a member of the League of Women Voters of Topeka-Shawnee County.

John Nave - Committee Member (*City Council District No. 4 Nominee*)

John served on the city council from 2003-2007. He was also on the Citizen's Government Review Committee that proposed our current form of government. He works for Goodyear Tire & Rubber Co. He is a graduate of Leadership Topeka 2001 and has served on various boards including United Way, Golden City Sertoma, Red Cross of Topeka, and Living the Dream, Inc.

Maynard Oliverius - Committee Member (*City Council District No. 7 Nominee*)

Maynard is a graduate of Fort Hays State University and the Master's program at the University of Minnesota. He served as President and Chief Executive Officer of Stormont-Vail Healthcare from 1996 until his retirement in 2012. He serves on several boards and Foundations including the Topeka Community Foundation; Security Benefit Fund Board, and the Stormont-Vail HealthCare Foundation Board.

Tina Williams - Committee Member (*City Council District No. 1 Nominee*)

Tina Williams, M.S., Ed., was a Spanish Language and English Language Learner Instructor for 10 years. She is currently an administrator at Washburn University in the Office of International Programs. She is the President of MANA de Topeka and active in community affairs.

PART ONE

REVIEW AND RECOMMENDATIONS

I. INTRODUCTION

“There is no ‘wrong’ form of government, it is only wrong if it is not working for the community it is being used in.”

—Don Moler, former Executive Director of the League of Kansas Municipalities

The Citizens Government Review Committee is impaneled to study and review the form of government of the city of Topeka and make recommendations to the city’s government body for amendment or modification. To our knowledge, this is the third Citizen’s Review Committee authorized by Resolution of the City Council/Governing Body.

We found many positives about the current form of government and the men and women who are entrusted with the governance of our community. We heard few actionable complaints in the two public hearings held at the Topeka Public Library or from the interactive internet connections established through Mayor Larry Wolgast’s office; through the City website; or by council member invitations to constituents.

As this report reveals, we received many thoughtful written and spoken recommendations from conferees who attended our committee meetings and citizens who attended our public hearings. Many of these recommendations have been incorporated in our recommendations herein. Several City Council members and Mayor Wolgast attended our sessions and provided helpful insight as well.

We did become aware of some common and recurrent themes or concerns from the public which have led to some of our recommendations. We also learned of areas of internal concern that need to be addressed by changes to the language to the Charter Ordinance and by clarifying the roles of our elected officials. These are identified and addressed in Section IV: Areas of Concern.

II. HISTORY

1983 Citizens Advisory Committee of Forms of Government

The first citizens committee was charged with researching the different forms of government and recommending what they considered the best form for Topeka. There were 16 members selected by the 5 members of the governing body (4 commissioners and the mayor) one representative from eight community groups and one member from each of the 3 Topeka senatorial districts.

The committee held six public hearings throughout the city and met weekly from August 1983 through March of 1984. The committee recommended the adoption of a new form of government—the Strong Mayor/Council/Chief Administrative Officer—which was placed on the November 1984 ballot. The measure passed and the new form of government began in April 1985.

1990 Topeka Charter Ordinance Review Committee

Pursuant to 1988 Ordinance, requiring the convening of a citizen review committee before July 1, 1989 and every 10 years thereafter, the Council impanelled committee to review the City's form of government. The committee was comprised of 15 members: 3 selected by the Mayor, one representative appointed by each of the nine Council members, and 3 at-large members selected by the other committee members. Thirteen committee meetings were held between August 1989 and April 1990. The major issue appeared to be the need to clarify the role of the mayor and council. The governing body adopted some recommendations and rejected others.

Discussion: The Strong Mayor/City Council Form of Government

Doug Mays, former City of Topeka Councilmember, told the 2014 committee he ran for the first Topeka City Council because people were fed up with the Commission Form of Government and wanted local government to be more responsive. He said the hybrid Strong Mayor/Council Form of Government seemed intriguing, and he wanted to be a part of it. He noted it was a wonderful experience to serve under the new form of government with a clean slate; however, system flaws developed early in the Strong Mayor/Council Form of Government. After approximately two years it was apparent the mayor was given too much power which continued to show in years to follow.

“Topeka is a collection of neighborhoods, which has hurt Topeka in the past and still continues to do.”—*Doug Mays former City Councilman*

Mr. Mays said over time it became apparent that Topeka was becoming more and more parochial rather than a city of the whole. The Strong Mayor/Council Form of Government created a problem for the chief executive officer because this person had no basic power, and the mayor called all the shots, which is why it is so important to define the role of the mayor in the current form of government.

1999 Citizen's Review Committee

This committee was impanelled by Resolution and adopted by the City's governing body on September 22, 1998. The committee met weekly from September 1998 through May of 1999. One televised public hearing was held. The committee solicited advice from current and past City office holders, current and former department heads, representatives from business and labor and final citizen input. The committee recommended numerous changes to the charter ordinance and urged the governing body to initiate action to consolidate the governments of the city and county. None of the recommendations were adopted by the governing body.

However the matter of consolidation (i.e. unified government) did come to a vote. Despite community wide support of the proposal and an ultimate vote at the polls that carried 70% to 30% of all voters but the measure was doomed to fail by the adoption of “dual majority” voting requirements (requiring that the measure must be passed by a majority of votes cast in the county as well as in the city. This measure was determined by the Kansas Legislature and supported by the Shawnee County Delegation.

Consolidation of city-county governments requires approval of the state legislature.

Former City Councilman and former Speaker of the House Doug Mays attended Public Hearing No. 1 and summarized the provisions of House Bill 2185, Topeka/Shawnee County consolidation proposal approved by the Kansas legislature.

Mays reported that while the bill provided for one “unified” government, the boundaries of the city would have still existed. The governing body would consist of five (5) commissioners to be elected by district; the city council would determine bonding responsibilities for any project located within city boundaries and the bonding for the County would be decided by the commissioners. The bill called for the consolidation of services “wherever possible.”

He stated the voters passed the proposal in the city; however, it failed because the majority of voters in the county were overwhelming against it. He said that a dual majority is very difficult to acquire. He noted that legislation led to the assumption of public health services from the City by the County; the voters of Topeka and Shawnee County created the Topeka and Shawnee County Public Library; and the City and County Parks & Recreation Departments are undergoing a merger.

In 2005 The Council/Manager form of government became effective.

The passage occurred in response to concerns expressed by a combination of business leaders, community leaders, and elected officials who wanted the governing body to end what seemed to be personality clashes and move forward in a more progressive manner. The committee was briefed on the decisions recommended, and the actions taken by the Governing Body in 2004 by former City Council member Lisa Stubbs, an advocate for the change, and Committee member John Nave (who was also a council member at the time of the change to the current form of government).

The subsequent meetings led the governing body members to adopt the Council-Manager form of government in 2004. As a result of the transition to the City-Manager Form of Government and the transfer of duties to the City Manager, the Mayor’s salary was substantially reduced.

It was anticipated that the role of the Mayor would be diminished by the transfer of administrative duties to the City Manager and as a result the Mayor’s salary was very substantially reduced.

The 2014 Citizens Committee to Review the Form of Government for the City was established by an ordinance established October 13, 2009 which replaced the 1988 ordinance and requires that a committee be impaneled before July 1, 2015 and every 10 years thereafter. The current committee of five citizens was selected by the City’s Governing body from numerous applicants.

III. COMMITTEE PROCESS AND METHODS

Throughout its work the Committee benefitted from the professional staff that coordinated and attended all of the meetings. Assistance was provided by Vicki Buening, assistant to Mayor Larry Wolgast, who prepared agendas, coordinated communication with the public and press and made arrangements for the facilities to accommodate our meetings; and Brenda Younger, Topeka City Clerk who researched information from other cities, provided verbatim minutes and who captured lengthy public comments flawlessly.

Also assisting the committee was Deputy City Attorney Mary Feighny who helped define the scope of the committee's inquiry and explained the workings of Kansas Statutory law as it applies to the Charter Ordinance of Topeka.

The Citizen's Review Committee held its initial meeting on January 23, 2014

The Committee decided to schedule regular weekly meetings in the 1:00 to 3:00 pm time period each Thursday. In completing its assignment the Committee has held 11 separate meetings and 2 public hearings.

IV. AREAS OF CONCERN

i. No Clear Direction

The committee's January 30th meeting featured a presentation by Don Moler, former Executive Director of the Kansas League of Municipalities who briefed the committee on the different forms of government in Kansas. Moler expressed concerns in regard to language in the Charter Ordinance which may run counter to state law or be ambiguous.¹

In his briefing, Don Moler identified what is perhaps the main area of concern:

The general term of "the Mayor and District Council members" is used frequently throughout the charter ordinance. Mr. Moler believes that Topeka may have the only charter ordinance in the state (and possibly the nation) written in this manner. He believes that the language contributes to misunderstandings and leads to an unintended divisive relationship.

Mr. Moler suggested that the committee consider the roles of the Mayor and Council members in terms of the "Governing Body."

In Topeka the Mayor is not thought of as just a figure head (regardless of what might have been the intent of the 2004 actions). In Topeka, the Mayor has a part to play that should make him/her the focal point of the Governing Body.

The Charter Ordinance was written in a way that creates unnecessary tension in the city government because there is no clear direction as to the roles of the Mayor and Council members as a Governing Body.

Moler says that the League of Kansas Municipalities believes that for the purposes of the Charter Ordinance the Mayor has a vote because the Charter Ordinance references the "governing body" and the mayor is considered part of the governing body. Moler stated that trying to limit the mayor's authority to vote may violate statutory authority.

Comment: Former Mayor William "Bill" Buntin discussed a drafting flaw and legal decision that casts doubt on the legality of the current ordinance. An interpretation in 2004 by the City

¹ More discussion can be found in this report under *Areas of Concern*.

Attorney denied him the opportunity to vote on the ordinance. This left the measure short of the required votes necessary to pass a Charter Ordinance. A subsequent Attorney General's Opinion declared the Mayor a member of the "governing body." Therefore, his favorable vote was required in order to achieve a majority vote.²

In his February 6th presentation, Former Mayor William Bunten told the committee:

"Another concern I had was that the duties of the city council were not to be found beyond Section 12, Subsection 1 and 2 on page 11, establishing a meeting time and electing a deputy mayor. You might respond that council members do vote on legislation, but they vote as members of the governing body, for it is the governing body which is vested with the 'power of legislation'...and that body currently includes the mayor. I believe the mayor should not be voting on legislation which he or she is empowered to veto."

In his February 13th discussion Mayor Larry Wolgast confirmed the drafting problems. Currently, the mayor is a member of the governing body and not a member of the council. Some items require a vote of the "governing body" and others a vote of the City Council.³

He sees the council and mayor as a "working unit" rather than assuming adversarial roles. He believes the current process and terminology is confusing for council members and for the public. He recommended that "the governing body" be the primary term used in the Charter.

Committee member John Nave was a City Council member at the time the current language was drafted. He reported that the language of the Charter Ordinance was approved by the City Council as a result of numerous meetings held in 2004 in response to concerns expressed by a combination of business leaders, community leaders and elected officials who wanted the city to move forward in a more progressive manner. He said it is now apparent the charter ordinance was crafted in a unique manner and is a hybrid to Topeka. Because of this, he said it is time to review the need for change or revision, specifically in regards to the districts (size/amount/election process); and to clarify the Mayor's leadership role because citizens in Topeka look to the Mayor for leadership and consider the mayor to be the presiding officer of the Governing Body.

All of this has led the committee to the realization that the attempt to diminish roles of the governing body (which was undertaken by popular request in 2004) resulted in the adoption of charter language that is vague and has created uncertainties. It likely that the current language is out of step with certain provisions of state law. For this reason, we suggested that more-appropriate language be drafted and proposed for consideration by the governing body. Mary Feighny's draft is included in the Appendices.⁴

Comment: Doug Mays, former Topeka City councilman and legislative council to the City of

² See Attorney General Opinion No 2005-18 at Appendix No 1

³ For a better understanding of the matter of when the Mayor may or may not vote, see the Memo prepared by Deputy City Attorney Mary Feighny at Appendix No 2.

⁴ See Appendix No 3

Olathe, suggested that the committee study the Olathe Charter ordinance which changed that city's form of government from a council-mayor type of government to a *modified mayor-council-manager* form of government.

As the roles of the mayor and council members have become more harmonious, it is time to recognize the fact that a well-run city requires a united governing body, sharing responsibility and acting as one to give direction and purpose to the City Manager.

ii. At-Large Representation

Councilman Schmidt encouraged the Committee to look at how the charter could be used by the governing body to be more responsive to the needs of the city as a whole. He stated that he believes nine (9) districts provide sufficient representation of the entire city. He urged the committee to consider the matter of at large representation.

Neil Dobler former City of Topeka Acting City Manager appeared in his role as Board Chairman of the Greater Topeka Chamber of Commerce. He stated there is strong support of the current form of government. He indicated that there is also public support for changing council district representation to include at-large districts. He recommended that 7 council members represent the districts and 2 at large members to be elected at large.

Former City Administrator **John Arnold** spoke to the Committee on February 27th. He told the committee that over his career he worked in 10 cities, and every one of those cities had some form of at-large representation.

Comment: Mr. Dobler and Mr. Arnold recommend a mix of at-large and single-member district Council members. The committee noted that Olathe and the Unified Government (Kansas City Kansas/ Wyandotte County have two at-large Council members.⁵)

"..When candidates run for at-large positions, they raise issues that are broader in scope; issues that affect the entire community."—Testimony of Allyn O. Lockner

The committee considered well-researched arguments for the mixed at-large system (and other topics) presented in a paper by **Mr. Allyn Lockner**. Sometimes, district elected members may choose to subordinate citywide concerns in favor of parochial interests. It was decided that the time has come to introduce the at-large concept.

Mr. Lockner identified two situations when problems can arise in mixed at large systems:

- When at-large positions are perceived by the Council (or the public) to be superior to that of district members
- When at-large candidates are perceived to be rivals to the mayor

In the end, the committee decided that the "School Board" voting method treated all council members equally; placed them all on the same level; accomplished the ends of community wide representation and offered the path of least resistance to implementation.⁶

⁵ Brenda Younger, Topeka City Clerk compiled an excellent comparison chart detailing the number of representatives in each elected body including those elected at large. See Chart at Appendix No 4.

iii. Election Dates

The committee considered suggestions from former Mayor Bunten and public commentators that voter turnout would be larger if City elections were held in August and November in conjunction with other elected officials rather than in February and April.

The League of Women Voters of Topeka-Shawnee County and the League of Kansas Municipalities (LKM) strongly oppose this suggestion.

Although the purported purpose is to increase voter turnout, the LKM indicates that moving elections to November of odd-years will have little impact on voter turnout with only a 10% increase in voter turnout being documented in those states that have implemented the change.⁷ Proponents claim turnout will increase because weather conditions are better in November than in April, but average temperatures and precipitation for early April and November are virtually identical.

What the LKM does not talk about in their position piece is the concern that local elections will be totally overshadowed by the heavily financed and intensive state and federal races. They fear that candidates for city elections will become for many voters, unknown names at the end of the ballot.

It appears that the municipalities are happy with the election system as it exists. We saw no good reason to change it.

⁶ For a well-researched paper on Voter Selection of Council Members and the Role of the Mayor in Budget Development see Improving City of Topeka's Council-Manager Form of Government by Allyn Lochner at Appendix No 5

⁷ For LKM position paper see Appendix 6

V. RECOMMENDATIONS: CITY OF TOPEKA GOVERNING BODY

The Committee agreed to the following by unanimous consent:

Sec A2-4. Form of Government

The Committee:

Supports the Council—Manager form of Government.

Sec. A2-21 Composition

The Committee Recommends:

That all 9 districts are retained and that all district representatives have equal voice, vote and power on the Governing Body.

Comment: This information was shared by former Mayor Doug Wright. *“Prior to 1985 no women and no one east of MacVicar was part of the governing body. The geographic district system allows everyone to feel like they have a voice. Every citizen in Topeka has someone on the city council they can talk to in this form of government.”*

While the number of Council members in Topeka is larger than most (but not all) Kansas cities, most of the council members and a number of the public commentators expressed satisfaction with the current average ratio of one council member to 14,500 constituents. City Manager Jim Colson indicated that he has no problem with the current number, and he said he has worked with larger Governing Bodies in other cities.⁸

Voting Powers

The committee recommends:

That all ten Governing Body members will be voting members with the exception that the Mayor will not have a vote on any matter upon which he/she has been given veto power by operation of law.

Eligibility of the Governing Body

The committee recommends:

That Governing Body members be elected on a nonpartisan basis.

Comment: It is noted that a current state initiative seems designed to turn local elections into partisan elections, to which there is great resistance by The League of Women Voters of Topeka-Shawnee County and the Kanas League of Municipalities as well. We believe that combining city elections with other elections that are partisan does not seem to be a good idea.

That all members continue to stand for election every four years on a staggered election basis.

⁸ For a Comparison Chart of surrounding governing bodies See Mayor Wolgast Chart at Appendix 7

Comment: Topeka citizen **Jason Fizell** pointed out that there is an unfairness built-in to the current system that he believed should be corrected. Namely, the Mayor is elected to a four-year term in the same election as odd-numbered council district seats. Thus, any council person holding an odd-number district seat must give up their seat to run for mayor while a council person in an even number seat does not.

Mr. Fizell offered two solutions. 1) Require even number district council people to relinquish their seat if they run for mayor. 2) Make the mayor's term six years so that odd numbered districts would stand for election with the mayor during the one election cycle and the even numbered districts during the next.

That Primary and General elections continue to be held at the current election dates.

Comment: Former Mayor Bunten and others argued in favor of holding city elections at the same time as statewide elections. A move to August and November would disrupt the traditional budget cycle for cities and schools and complicate the timing of financial interest reports required to be filed by Kansas officials. According to the League of Women Voters, the city governing bodies and school boards in the state overwhelmingly favor continuing 153 years of spring elections.⁹ We see no reason to disagree.

Method of Election¹⁰

The committee recommends:

That the Governing Body be a 10 member body consisting of 9 members running for election from the council districts where they reside and a Mayor who resides in the city and is elected at large. During a primary election held within the district, the two nominees from each district receiving the greatest number of votes within the district will stand for election in the General election on an at-large basis.

Comment: Proponents of this recommendation used the USD 501 School Board Member elections as an example. School Board candidates file for office and run in the primary election by district with city wide voters choosing one of two candidates from each district. While other methods of running at-large were considered by the 2014 Committee they required changing the composition of the districts or creating two classes of elected governing body officials.¹¹

One downside with this this recommendation is the possible increase in expense for the candidates to get their campaign messaging out to the entire city and not just their district. Another downside (pointed out by Councilman Schmidt) is that a candidate could win overwhelmingly in his/her district and yet lose out in the general election.

⁹ For further discussion see *Areas of Concern*

¹⁰ See Election Terms and Timelines Chart prepared by Brenda Younger, City Clerk at [Appendix 8](#)

¹¹ For further discussion see *Areas of Concern*

Sec. A2-25. Powers of the Governing Body

The committee recommends:

Changing references to “Council” or “Councilmember” to “Governing Body” and “Governing Body” member. The committee would retain the language indicating that the Governing Body will have no administrative powers.

Modeling the City’s organizational structure as follows:

The Governing Body is the equivalent of the City’s Board of Directors, and the Mayor is the equivalent of the Chairman of the Board. The City Manager is the equivalent of the City’s Chief Executive Officer tasked with administrative duties including carrying out the policy, legislation, ordinances, strategic plans and budgets approved by the Governing Body.

Comment: The city is organized under a corporate charter and Committee member Maynard Oliverius, a long time corporate executive, pointed out that the current structure is similar to a traditional corporate model.

The following elements are recommended by Council Member Karen Hiller to be included in the City Manager’s Strategic Plan:

- **Collaboration**
- **Integrity**
- **Accountability**
- **Professionalism**
- **Transparency**

It was suggested that the Strategic Plan express community values in the form of:¹²

- **Mission Statement**
- **Vision Statement**
- **Goal Statement**
- **Values Statement**

Mayor: Functions, Powers and Duties of the Mayor

The committee recommends:

That the Mayor serves as the presiding member for the purpose of conducting the business meetings of the city. As such, the Mayor would chair committees of the entire body, such as the budget committee and the committee of the whole.

That the Mayor shall review the budget and strategic plan prepared by the City Manager and provide input and recommendations to the Governing Body.

¹² As recommended by former council member Lisa Stubbs

Comment: This idea was first suggested at the public hearing by Mr. Allyn Lockner who saw the need for the Mayor's review prior to presentation to the Council. It was also mentioned by Council Member Karen Hiller, former Mayor Bill Bunten and by Mayor Larry Wolgast.

Modifying current Charter Ordinance language to allow the Mayor to vote on all policy, ordinances, legislation, budgets and other matters, except where the Mayor has veto power expressly mandated by State Statute.

Comment: The committee expressed support for adopting language regarding the Mayor as similar to that outlined in City of Olathe Charter Ordinance No. 28, Section 2.4:

"He or she shall represent the city Governing Body at all official city functions, and shall be the official representative of the Governing Body at all meetings, conferences and negotiations relating to policy matters involving other governmental units and shall recommend Governing Body action relating thereto.

The mayor shall be the official representative of the Governing Body at all conferences and meetings with citizen groups and organizations interested in promoting the welfare and development of the city, and shall recommend Governing Body action relative thereto. The mayor may inform the Governing Body concerning questions and policy, and may make policy recommendations to the Governing Body. The mayor shall be empowered to call special meetings as provided by law."

The committee recommends:

The governing body adopts language drafted by Deputy City Attorney Mary Feighny to bring the Topeka Charter Ordinance into compliance with State law.¹³

VI. OTHER RECOMMENDATIONS

The committee recommends:

That a long range planning committee made up of city and county leaders be convened for the purpose of resolving issues and implementing a workable plan to consolidate city-county government.

"Boundaries become barriers in regards to consolidation of government. If you want to consolidate, you will need extensive information on how counties operate today and in the past." --Joe Swalwell former Executive Director, Downtown Topeka

Comment: The idea of a long range plan was presented by former Downtown Topeka Executive Director **Joe Swalwell**. Swalwell referenced a detailed discussion of Shawnee County government written by the late **E.A. Mosher**, long time executive director of the League of Kansas Municipalities.

¹³ Comprehensive language changes can be found at Appendix No. 3

The report pointed out that Shawnee County is the hub of commerce for the surrounding 14 county region and it is critical that Shawnee County governing officials work together to maintain that position and to consider how to best accommodate this transitory demand on our facilities and resources. This seemed to provide a new approach to the continuing community interest in governmental consolidation since planning for the future holds no imminent jeopardy it offers the hope of future compromise and accommodation.

Recommends that the long range planning committee consider expanding the number of Country Commissioners from 3 to 5 in order to facilitate better communication among members, to provide broader representation of community interests.

Recommends that salary increases be implemented for Governing Body Members.

Comment: It should be noted that pay for Council members and Mayor was last discussed in 2004.

The committee expressed particular concern that the current low Mayor's salary (which was drastically reduced in 2004) will discourage many capable citizens from considering service as the presiding officer of our Governing Body.

Salary for public service is a complicated issue and there are many pros and cons. As former council member Lisa Stubbs pointed out: these positions were intended to be driven by a desire to do public service, not to serve as a career path. (Although it was noted that several council members have pursued other avenues of public service such as legislators or agency heads).

Public service as a Governing Body member is not an invitation to assume administrative duties or to micro-manage the city staff. Nevertheless, the Governing body responsibilities have increased over the years without as much as a cost of living increase for more than a decade. Governing Body Member salaries (like all other governing body salaries) should have at least, a periodic cost of living adjustment.

PART TWO

MEETING SUMMARIES

The committee's January 30th meeting featured a presentation by Don Moler, former Executive Director of the League of Kansas Municipalities who briefed the committee on the different forms of government in Kansas; how the term "Home Rule: relates to city government and the importance of the Charter Ordinance. Moler expressed concerns in regard to language in the Charter Ordinance which may run counter to state law or be ambiguous.¹⁴

February 6, 2014. Former Council Member **Lisa Stubbs** presented a review of the recommendations made by the 2nd Citizens Review Committee and the subsequent passage of the City Manager form of Government in November of 2004 by a 2 to 1 margin. Here is a summary of her discussion:

¹⁴ More discussion can be found in this report under *Areas of Concern*.

“There is no perfect form of government. What we passed in 2004 was an improvement. The most important thing that we can do is make it possible for constituents to be informed and involved; and to elect quality people as our elected officials who have the best interest of our community in-mind.”

The committee also heard from former Mayor **William “Bill” Bunten**. Mayor Bunten outlined a drafting flaw and legal decision that cast some doubt on the legality of the current ordinance. He also noted that the governing body had the “power of legislation”—not the city council. So the mayor had a vote as a member of the governing body to vote on legislation and also the power to veto legislation. Nowhere in the charter ordinance was the council given the power to override a mayoral veto. The result of this flaw left the “weak” mayor with the power to vote on legislation, veto legislation, and the council couldn’t do anything about it. He said the ordinance as written didn’t create a “weak” mayor, it created a possible despot.

While the ordinance was later changed, his commentary pointed out the hasty drafting that implemented the ordinance. Mayor Bunten said that the only duties specifically spelled out for the city council was to establish meeting times and elect a deputy mayor. Other key recommendations:

- Provide fiscal officer for mayor and council
- Hold elections in conjunction with state election dates in August and November
- Review compensation for Council and Mayor
- Vest the council with the “power of legislation” not the “governing body.”

Mayor Bunten also recommended several procedural matters and mayoral duties.¹⁵

February 11, 2014. The Committee met with the Topeka City Council in order to receive commentary and to outline the method of procedure.

February 13th meeting featured a discussion with **Mayor Larry Wolgast** regarding respective roles of the Mayor and Council members. The mayor described the ambiguity he found in in the Charter language, and he encouraged the committee to review the mayor’s duties and the mayor’s role. He suggested the term “strong” or “weak” mayor not be used to define the role of a mayor. He said the powers and duties of the mayor, council, city manager and deputy mayor need to be more clearly defined.¹⁶

Mayor Wolgast pointed out that currently, the mayor can veto council legislation unless Kansas law gives the mayor a vote; however, the mayor votes on appropriation ordinances but also has the right to line-item veto specific items in the budget, a confusing process that should be clarified. The mayor emphasized that he believes veto authority takes away the legislative aspect of city government. He said it would not be his desire to exercise veto power and he expressed

¹⁵ Bill Bunten’s comments in their entirety are on file at the City Clerk’s Office.

¹⁶ Lacking sufficient guidance from the Charter, Mayor Wolgast refers to Topeka Municipal Code Section A2-24: Mayor—Functions powers, and duties.

- (a) *The Mayor shall be the chief elected officer of the city, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for the municipal activity.”*

the importance of working with the council and sharing their views. The committee with the help of the City Attorney determined that veto power has rarely been used in the past.¹⁷

Councilmember Nathan Schmidt (District 8) attended the meeting and he was asked for his input. Councilman Schmidt indicated that he strongly supports the mayor serving as the lead member of the council and having equal legislative authority, as well as having authority to make appointments to boards and commissions. He urged the committee to consider how to make sure the governing body represents the city as a whole as well as the respective districts. He urged the committee to consider the matter of at large representation.¹⁸

February 20, 2014. Two public meetings were held at the Topeka/Shawnee County Public Library¹⁹

Meeting of February 27, 2014. The committee welcomed City of Topeka City Manager Jim Colson, former City of Topeka Chief Executive Officer John Arnold, and former City of Topeka Mayor Doug Wright as conferees and they invited the input of former Executive Director Joe Swalwell of Downtown Topeka, Inc who was in attendance.

Note: *We have chosen Mr. Colson's remarks for the Concluding Comments portion of this report.*²⁰

Joe Swalwell, former Executive Director for Downtown Topeka, Inc., referenced a study written by Ernest A. Mosher, "Shawnee County Governance: Past, Present and in the Future" and made the following statements:

Boundaries become barriers in regards to consolidation of government and if you want to consolidate you will need extensive information on how counties operate today and in the past. Topeka is the center city gravity for surrounding communities and this factor should be used to our advantage.

Mr. Swalwell emphasized the need for better communication with city and county residents without creating anxiety because of fear of losing jobs, as well as, loss of equality of wages and duties. Any necessary training of employees should be in collaboration with local schools and attrition should be reviewed very carefully.

He suggested developing a round table discussion with Shawnee County leaders to develop a long-range study that would outline different consolidation scenarios including how consolidation could save money.

He suggested the council extend the city limits if overall costs of city government are to be reduced. He discouraged the council from altering city sales tax because people from surrounding cities and counties pay this tax and help fund infrastructure maintenance.

¹⁷ For a better understanding of the Mayor's Statutory Veto Powers see Appendix No 2

¹⁸ For further at-large discussion see Areas of Concern. For addition remarks from Mr. Schmidt See City Council Interviews at Part 4

¹⁹ See Public Hearings Section of this Report. P. 21

²⁰ See page 27 of this Report

“Leadership is defined by action—the act of getting people to work together.”—John Arnold

John Arnold, former City of Topeka Chief Executive Officer, reported he has over thirty years of experience in local government, ranging from being an employee to managing nine organizations with 75 to 1300 employees. He made the following observations:

Arnold said the City Manager Form of Government seems to be working. He said in the City Manager Form of Government, the role of the governing body is to engage the public. Action is hindered in the City of Topeka because the mayor is not a full-time voting member of the council. This tends to inhibit the elected governing body from working together. The mayor’s voting rights must be clarified because state law is not understood. He noted it has been unclear since 2004 when the charter ordinance was drafted.

He believes there are too many council districts. He says seven (7) is a better number with some being elected at-large. In his experience, seven (7) districts is a very workable number with four (4) elected by district and three (3) elected at-large. All the cities he has worked for included district members elected at-large; however, it always is a matter of opinion as to what is the best option for elections.

He said that the practice of referring matters to committees tends to slow down the progress of city business. He said it appears the City wants to operate like the State and he noted two former mayors (William Bunten and Joan Wagon) have been former legislators.

Doug Wright, former City of Topeka Mayor and City Attorney. Mr. Wright served as the City Attorney during the Commission Form of Government, and was also the first Mayor when the City of Topeka changed from the Commission Form of Government to the Strong Mayor/Council Form of Government. Doug Wright stated he would provide a historical perspective as an observer of city government:

He said the Commission Form of Government proved to be an unfair system because four (4) out of the five (5) commission members were of the same ethnic race and from the same geographic area of the city. The current process of district elections should remain due to past statistics so everyone has a voice in local government and is provided the opportunity to communicate with a council person they can relate to. He cannot think of anything that would not apply to the entire city as a whole; therefore, he believes district elections are a good fit for Topeka. He said the mayor needs clearly defined powers because it is important for the community to look to a leader that has authority.

Review Committee Work Session-March 13, 2014

Council member **Karen Hiller** said the City of Topeka Charter Ordinance is sort of like a constitution. It should include core values and key non-negotiable ways of doing business. She briefly highlighted what she would like reviewed in the current charter:

- Mission and Vision for the city should be included;
- Language regarding excellence, long-range strategic plans and goals, performance-based, transparency and inclusiveness should be included;

- Role of the mayor is included, however, vote and veto issues need to be resolved;
- Role of the deputy mayor is included; however, the roles of city manager and other council staff hiring and review processes need to be addressed;
- Preparation of staff organization chart by the city manager is included and approved by the council; however it has not been followed;
- Annual report of financial condition and administrative actions by February 28 has not always been followed;
- Annual audit engaged by and reported to the council should be included;
- Agenda items should be provided twelve (12) days in advance notice as indicated in the Council rules;
- Emergency ordinances language allows them to be introduced and passed in the same day; however, she is not sure if this has ever happened;
- Regarding board and commissions she recommended consideration be given to specifying that the described procedure would apply to all appointments, not just those for City-created boards.

Comment: Committee members felt that this degree of specificity would not be included in a document similar to a constitution. A better place for this procedural detail would be a *policy manual*.

Councilmember Nathan Schmidt made the following statements:

He advocates making the mayor a full voting member of the council with legislative duties. The mayor's role should be similar to the Speaker of the House, with no veto power. The mayor should be elected at-large completing a ten (10) member city council.

Sylvester Zollicoff, a member of the public appeared and spoke in opposition of changing the council districts. He stated he believes the mayor should have veto power and no voting rights. He stated he supports district representation only and believes the city needs to conduct more town hall meetings with the city manager and council members. He stated he supports only making technical changes to the charter ordinance.

Review Committee Meeting – March 20, 2014

Mayor Wolgast briefed the committee on **House Bill 2227** a proposal to move municipal elections to the fall (August and November) of odd-numbered years. Mayor Wolgast stated many city officials and school board members strongly oppose the change. He distributed a handout from the League of Kansas Municipalities expressing their concerns regarding the change in local elections, and why there is opposition to the bill throughout the state based on the following concerns:

- Political association would be required to be listed on the ballot;
- Transitional issues would impact all city officials (approximately 3,800) in the state of Kansas;
- Legislation would not make local elections partisan; however, the bill would give partisan officials the authority to fill vacancies on governing bodies;