

1 (Published in the Topeka Metro News May 3, 2010 and May 10, 2010)

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CHARTER ORDINANCE NO. 101

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5 A CHARTER ORDINANCE introduced by Councilmember Deborah Swank, amending
6 City of Topeka Code § A9-2 and § A9-20 and repealing said
7 original sections concerning the Metropolitan Transit
8 Authority.
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10 WHEREAS, the Governing Body of the city has adopted the provisions of the
11 Metropolitan Transit Authority Act, K.S.A. 12-2801 *et seq.* (the “Act”), and by Charter
12 Ordinance has made certain provisions of the Act inapplicable to the City of Topeka and
13 provided certain substitute provisions therefor; and

14 WHEREAS, the Governing Body desires to further amend the provisions of the
15 Charter Ordinance relating to the tax levy and meetings of the transit board.

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

18 Section 1. That Section 3 of Charter Ordinance No. 19, as amended by Charter
19 Ordinance No. 50 § 1, Charter Ordinance No. 82 § 1, and Charter Ordinance No. 99 § 2,
20 as codified at § A9-2, Levy of tax, of The Code of the City of Topeka, Kansas, is hereby
21 amended to read as follows:

22 **Levy of tax.**

23 The governing body of the City of Topeka, Kansas may levy a tax not to exceed five
24 ~~(5)~~four and four-tenths (4.4) mills for ~~2010~~2011. For ~~2011~~2012 and subsequent years the
25 levy may not exceed three (3) mills each year. The mill levy shall be upon all the taxable
26 property within such city, as authorized by ordinance of the city, the proceeds of such tax
27 levy to be used by the metropolitan transit authority of Topeka, Kansas, created by this

28 Charter Ordinance No. 19, as amended by Charter Ordinance Nos. 50, 82, and 99 to carry
29 out its duties under the metropolitan transit authority act, as amended.

30 Section 2. That Section 6 of Charter Ordinance No. 23, as codified at § A9-20,
31 Same - Meetings, of The Code of the City of Topeka, Kansas, is hereby amended to read
32 as follows:

33 **Same – Meetings.**

34 Regular meetings of the board shall be held at least once in each calendar month,
35 and special meetings on call of the chairman or a majority of the members; the time and
36 place of such meetings to be fixed by the board. ~~Three~~A majority of the members of the
37 board shall constitute a quorum for the transaction of business. All actions of the board
38 shall be by motion or resolution. All minutes, resolutions and other proceedings of the
39 authority and all documents and records in its possession shall be public records, and open
40 to public inspection, except such documents and records as shall be kept or prepared by
41 the board for use in negotiations, action or proceedings to which the authority is a party.

42 Section 3. That Section 3 of Charter Ordinance No. 19, as amended by Charter
43 Ordinance No. 50, 82, and 99 as codified at City of Topeka Code § A9-1, and Section 6 of
44 Charter Ordinance 23, as codified at City of Topeka Code § A9-20, are hereby specifically
45 repealed.

46 Section 4. This Ordinance shall be published once each week for two (2)
47 consecutive weeks in the official City newspaper.

48 Section 5. This Charter Ordinance shall take effect sixty-one (61) days after
49 final publication unless a sufficient petition for a referendum is filed and a referendum
50 held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3),

51 of the Kansas Constitution, in which case this Charter Ordinance shall become effective
52 if approved by a majority of the electors voting therein.

53 Section 6. Upon the effective date of this Charter Ordinance, this Charter
54 Ordinance shall be recorded by the City Clerk in a book maintained for such purposes
55 with a statement of the manner of adoption and a certified copy shall be filed with the
56 Secretary of State of the State of Kansas.

57 PASSED AND APPROVED by the Governing Body April 27, 2010.

58 CITY OF TOPEKA, KANSAS
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63 _____
64 William W. Bunten, Mayor

64 ATTEST:

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70 Brenda Younger, City Clerk

71 **STATEMENT OF MANNER OF ADOPTION OF FOREGOING**

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73 The foregoing Charter Ordinance No. 101 was passed on the 27th day of April,
74 2010, as shown by the minutes, Book 2010 Page 143, by a vote of eight (8) for and two (2)
75 against, being not less than two-thirds (2/3) of the members-elect of the governing body,
76 published in the Topeka Metro News, the official city newspaper, on the 3rd day of May,
77 2010, and on the 10th day of May, 2010, being once each week for two (2) consecutive
78 weeks, and there being no petition demanding a referendum filed with the City Clerk within
79 sixty (60) days after the final publication, said Charter Ordinance took effect on the 26th day
80 of June, 2010.

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Brenda Younger, City Clerk

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CERTIFICATE

88 CITY OF TOPEKA)

89 COUNTY OF SHAWNEE) ss:

90 STATE OF KANSAS)

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92 I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of
93 Kansas, do hereby certify that the above and foregoing, consisting of 4 typewritten pages,
94 including the page upon which this Certificate is written, is a full true and correct copy of
95 Charter Ordinance No. 101 of the said City of Topeka, that all acts and things required by
96 Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in
97 the manner and within the time prescribed and that said Charter Ordinance became
98 effective on the 26th day of June, 2010.

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Brenda Younger, City Clerk