

City Council Committee Meeting Notice

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: (785) 368-3710
Fax: (785) 368-3958
www.topeka.org

Committee: Policy and Finance
Date: September 30, 2016
Time: 3:00 p.m.
Location: TPD LEC Classroom A, 320 S. Kansas Ave.

Agenda:

- 1) Call to order
- 2) Approve minutes from August 19, 2016
- 3) Discussion and possible action on Records Fees
- 4) Continue discussion and possible action on Council Rules & Procedures
- 5) Schedule future meeting for discussion and possible action on Council Training
- 6) Any other items before the Committee

STAFF NOTIFIED: Legal, City4, TPD, City Manager, City Council, Mayor

STAFF REQUESTED: Lisa Robertson, Mary Feighny and Catherine Walters, Legal Department; Police Department Chief or designee

MEMBERS: Karen Hiller (Chairperson)
Richard Harmon
Tony Emerson



CITY OF TOPEKA

POLICY AND FINANCE COMMITTEE

CITY COUNCIL COMMITTEE MEETING MINUTES

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Date: August 19, 2016

Time: 2:00 p.m.

Location: Holliday Conference Room, 620 SE Madison St.

Committee Members Present: Councilmembers Karen Hiller (Chair), Richard Harmon and Tony Emerson.

Others Present: Mayor Larry Wolgast, City Attorney Lisa Robertson, Deputy City Attorney Mary Feighny, City Council Assistant Angela Horn.

- 1) Chairperson Karen Hiller called the meeting to order.
- 2) The July 26, 2016 meeting minutes were approved by a vote of 2-0-1. Councilmember Richard Harmon abstained; he was not in attendance at the July 26, 2016 meeting.
- 3) Continued discussion and possible action on proposed revisions to the City Council Rules and Procedures to reflect changes to Charter Ordinance No. 117 that became effective on April 23, 2016, as well as changes recommended by The Citizens Government Review Committee.

The Committee reviewed and discussed an updated draft of the City Council Rules and Procedures (attached) that legal staff revised to incorporate the changes recommended by the Committee at the July 26, 2016 Committee meeting.

1.1 Charter

(b) is a new section proposed by Chairperson Hiller, regarding the governing body establishing work groups or task forces to discuss issues with city staff. Richard Harmon opposes this addition; he does not see a reason for this section, since the governing body is already allowed to meet with people. Chairperson Hiller explained she had

suggested the language because new members are not certain of what they can do.

The Committee agreed on the following proposed changes:

2.5 Duties of City Manager Relative to Governing Body. Changes clarify when communication between city staff and the governing body is acceptable.

2.7 Duties of City Attorney Relative to the Governing Body. Changes clarify the role of the City Attorney.

5.2 Addition and Removal of Items from the Agenda. Changes clarify the need for an explanation.

5.5 Public Comment.

The Committee discussed the 5:00 p.m. deadline to sign up to speak at a council meeting and the 4 minute limit rule.

Councilmember Harmon suggested that the deadline for citizen's to sign up to speak at a City Council meeting should be changed from 5:00 p.m. to 6:00 p.m. Citizens could still sign up before 5:00 p.m. through the City Clerk's Office, but they could also sign up in the Council Chamber, prior to the 6 p.m. start of the City Council Meeting.

6.2 Motions.

(e) To Amend a Motion. Adding the language 'An amendment to a motion cannot be amended' is not necessary since it is mentioned elsewhere in the document.

8.5 Procedure for Committee Items.

(a) Reference to Committee; Initiation by Committee. Make 'reference to committee' item (a)(1) and 'initiation by committee' item (a)(2).

(b) Referred Item Action Deadline. Change 60 days to discharge from committee to 90 days. Change 'council agenda' to 'governing body agenda' in last line. (c) Committee Action (2) Placement on Governing Body Meeting Agenda has been moved to section (d). Change 'pursuant to section 8.5(a)' to 'pursuant to sections 8.5(a)(1) and (2)'.

8.10 Minutes.

Change wording to state that if the committee does not meet within 30 days, the chairperson may approve the minutes if there are no objections or changes from other committee members.

The Committee agreed to discuss section 2.6 further at the next meeting.

2.6 Duties of the Deputy Mayor, is a new section proposed by Chairperson Hiller.

Chairperson Hiller proposed a change to the Charter Ordinance regarding the Deputy Mayor duties, and to remove proposed section 2.6 from the Council Rules and Procedures document. Legal staff advised against amending the Charter Ordinance. Councilmember Harmon objected to any additions to the Deputy Mayor duties. He stated that many of these proposed duties should be covered by the City Manager's Office and not the Deputy Mayor. Lisa Robertson suggested removing any duties with no legal authority.

4) There were no other items before the Committee.

Meeting was adjourned at 3:52 p.m.

The full meeting video can be viewed at:

Part 1: <https://www.youtube.com/watch?v=qY0nf1DBcuQ&feature=youtu.be>

Part 2: <https://www.youtube.com/watch?v=ca2NryeGd00&feature=youtu.be>

1 (Published in the Topeka Metro News _____)

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ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, concerning fees and procedures for record requests, amending City of Topeka Code § 2.20.090, § 2.20.110, § 2.20.120, and § 10.10.050 and specifically repealing said original sections.

10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

11 Section 1. That section 2.20.090, Requests to be directed to custodian, of The

12 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

13 **Requests to be directed to custodian.**

14 (a) ~~All members of the public, in seeking~~ As the official custodian of city
15 records, the city clerk shall receive and coordinate all requests for access to, or copies
16 of, a public record in accordance with the provisions of the Kansas Open Records Act,
17 ~~shall address their written requests to the city clerk.~~

18 (b) ~~Requesters of records may submit a w~~ Written requests submitted to any
19 other city office; however, all record requests shall be referred forwarded to the office of
20 the city clerk for timely and proper processing.

21 (c) ~~Whenever any city officer or employee is presented with a written request~~
22 ~~for access to, or a copy of, a public record which is not in his or her possession and for~~
23 ~~which he or she has not been given responsibility to keep and maintain, the officer or~~
24 ~~employee shall so advise the person requesting the record. Further, the person making~~
25 ~~the request shall be advised to direct the request to the city clerk.~~

26 Section 2. That section 2.20.110, Inspection fee, of The Code of the City of
27 Topeka, Kansas, is hereby amended to read as follows:

28 **Inspection and search fee.**

30 (a) Where a request has been made for inspection of any open public record
31 which is readily available to the record custodian, there will be no inspection fee
32 charged to the requester.

33 (b) In all cases not covered by subsection (a) of this section, a record
34 inspection fee may be charged at the rate of ~~\$13.00~~ a per hour per rate determined by
35 the records custodian comparatively based on the hourly rate of the employee engaged
36 in the record search and production. A minimum charge of \$6.00 may be charged for
37 each such request.

38 Section 3. That section 2.20.120, Copying fee, of The Code of the City of
39 Topeka, Kansas, is hereby amended to read as follows:

40 **2.20.120 Copying and other fees.**

41 A fee of \$0.25 per page may be charged for ~~photocopying~~ black and white
42 photocopies of public records, such fee to cover the cost of labor, materials and
43 equipment. The records custodian may establish a fee schedule for production of
44 records in other formats, such as color copies or records provided electronically. The
45 records custodian may set flat fees for certain types of records. Additional fees,
46 including any other costs incurred by the agency in connection with complying with a
47 record request (e.g. mailing costs), may be assessed to the requestor.

48 Section 4. That section 10.10.050, Fees collected by the records section, of
49 The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

50 **Fees collected by the records section.**

51 (a) Employers. In all cases where the records section of the police
52 department is requested and authorized to check and give information from its files

53 regarding individuals who may be potential employees, or for any other purposes, a fee
 54 of \$5.00 shall be charged for each name checked, such fee to be due and payable at
 55 the time the check is made and the information is given.

56 (b) Accident Reports. In all cases where the records section of the police
 57 department is requested to provide traffic accident reports from its accident report files,
 58 a flat fee of ~~\$5.00~~8.00 shall be charged, such fee to be due and payable at the time the
 59 accident report is given.

60 (c) In any case where the records section is requested to provide any other
 61 report from its files, a fee of ~~\$2.00~~ shall be charged for reports not exceeding five
 62 pages fees for accessing records will be in accordance with Chapter 2.20 TMC. For
 63 reports exceeding five pages, the fee shall be \$2.00 for the first five pages, plus \$1.00
 64 per page for each page over five pages, such fee to be due and payable at the time the
 65 report copy is given. Requests which require research of files older than one year will be
 66 charged a research fee of \$25.00 per person-hour. An estimated amount may be
 67 required to be paid for such research in advance.

68 (c) ~~Photographs. In all cases where the records section of the police~~
 69 ~~department is requested to provide copies of photographs taken by the police~~
 70 ~~department, the following fees shall be charged:~~

(1) For each black and white picture requested:		
- (i) For a 4-inch by 5-inch picture		\$2.00
- (ii) For a 5-inch by 7-inch picture		\$2.50
- (iii) For an 8-inch by 10-inch picture		\$5.00
- (iv) For an 11-inch by 14-inch picture		\$6.50
- (v) For each Polaroid copy		\$5.00
- (vi) For a 4-inch by 5-inch copy negative		\$5.00
(2) For each color picture requested:		
- (i) For standard 127 and 35mm prints		\$2.50

-	(ii)	For a 5-inch by 7-inch picture	\$3.50
-	(iii)	For an 8-inch by 10-inch picture	\$6.50
-	(iv)	For an 11-inch by 14-inch picture	\$8.00
-	(v)	For each color Polaroid copy	\$7.00
(3)	For color slides:-		
-	(i)	Minimum order for slides	\$10.00
-	(ii)	Color slides from prints (each)	\$1.25

71 Such fees are due and payable at the time the copies of photographs are requested.

72 (d) ~~Disposition. All fees collected under the provisions of this section shall be~~
 73 ~~paid into the city treasury as provided by law.~~

74 Section 5. That original § 2.20.090, § 2.20.110, § 2.20.120, and § 10.10.050 of
 75 The Code of the City of Topeka, Kansas, are hereby specifically repealed.

76 Section 6. This ordinance shall take effect and be in force from and after its
 77 passage, approval and publication in the official City newspaper.

78 Section 7. This ordinance shall supersede all ordinances, resolutions or rules,
 79 or portions thereof, which are in conflict with the provisions of this ordinance.

80 Section 8. Should any section, clause or phrase of this ordinance be declared
 81 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
 82 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

83 PASSED AND APPROVED by the City Council on _____.

84 CITY OF TOPEKA, KANSAS

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 90 Larry E. Wolgast, Mayor

91 ATTEST:
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 96 Brenda Younger, City Clerk

1 (Published in the Topeka Metro News _____)

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3 ORDINANCE NO. _____

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5 AN ORDINANCE introduced by City Manager Jim Colson, concerning open record
6 request fees, amending City of Topeka Code § 2.20.110 and §
7 2.20.120 and specifically repealing said original sections.

8
9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

10 Section 1. That section 2.20.110, Inspection fee, of The Code of the City of
11 Topeka, Kansas, is hereby amended to read as follows:

12
13 **Inspection and search fee.**

14 (a) Where a request has been made for inspection of any open public record
15 which is readily available to the record custodian, there will be no inspection fee
16 charged to the requester.

17 (b) In all cases not covered by subsection (a) of this section, a record
18 inspection fee may be charged at ~~the rate of \$13.00a~~ per hour per rate determined by
19 the records custodian based on the hourly rate of the employee engaged in the record
20 search and production. ~~A minimum charge of \$6.00 may be charged for each such~~
21 ~~request.~~

22 Section 2. That section 2.20.120, Copying fee, of The Code of the City of
23 Topeka, Kansas, is hereby amended to read as follows:

24 **2.20.120 Copying fee.**

25 A fee of \$0.25 per page may be charged for photocopying public records, such
26 fee to cover the cost of labor, materials and equipment. The records custodian may set
27 flat fees for certain types of records.



CITY OF TOPEKA

2015 KORA Statistics

GENERAL INFO

Total No. of Requests: 319 (approximately 50 "abandoned" (requested but never picked up))
Total Fees Assessed: \$2898.00

Types of Requests Logged in Clerk's Office:

- o 92 Fire Incident Reports
- o 59 Property Info records--includes zoning verification (fire), environmental assessments (planning), building permits/certificates of occupancy (development services)
- o 143 "Other"--copies of ordinances, contracts, RFPs and bid information, utility bills, utility inspection reports, employee salary/staffing information, code compliance reports/complaints, accident/traffic counts, light sequencing reports, municipal court records, lists of approved permits/registries (firework stands, food trucks, domestic partner registry)
- o 25 TPD (most requested directly at station or online??)

Who are the Requestors:

- o Most requests for fire reports are by insurance agencies
- o Most requests for property info are businesses
- o 25 requests by media

STAFF TIME

Generally, requests taking 15 minutes or less are only charged based on the \$.25 per page rate, whether the copies are provided on paper or delivered electronically.

Total staff time reported for the year: 145 hours
Total assessed for staff time at \$13/hour: \$1885.00

Range of hourly wages for researching staff: \$46.15-\$17.70 (Avg-\$27.68)
Potentially could have assessed \$4013.60 for research based on these rates, for additional \$2128.60 in revenue

Other "Unrecovered" Costs

- No additional fees are charged for mailing or faxing

4-21-16 Roles of the City of Topeka Deputy Mayor

Serve in absence or temporary disability of Mayor

Chair Budget Committee (May-July)

Chair Strategic Planning Committee (as convened)

Chair Committee of the Whole – Meetings and Events

City Manager

Hiring (as needed)

Supervision (lead, ongoing, in conjunction with Mayor)

Annual Review (Oct-Dec)

Annual Goals and Objectives (Dec, qtrly reviews)

Council Assistant

Hiring (as needed)

Supervision (lead, ongoing, periodic goal review)

Annual Review (August)

Council Business

New Member Orientation (Jan, alt years and as needed)

Annual Retreat (Feb)

Council Departmental Budget Preparation (April, May)

Council Committee and other Appointments (by Feb 1; by May 1 in 2016)

Council Committee and other Appointment Replacements (as needed)

Council Rules and Roles leadership (as needed)

Council appointments to County Parks and Rec Advisory Board (by July 1)

Annual Meeting Calendar proposal (Fall)

Legislative Agenda topic introduction (Fall)

Appoints Council Chaplain (by Feb 1; by May 1 in 2016)

Serves on JEDO

Serves on Health Care Advisory Committee (or designee) (appt by Feb 1; by May 1 in 2016)

These roles, to date, have been assigned by the Charter Ordinance, by Council Rules, by other sections of the Topeka Municipal Code and by custom.

RESOLUTION NO. 7458

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A RESOLUTION introduced by Councilmember Lisa Stubbs relating to the establishment of an unpaid volunteer position of Chaplain to the City Council.

WHEREAS, it is a chaplain's role to provide non-denominational, support as well as crisis intervention, counseling, and guidance to those in need; and

WHEREAS, workplace stress is at its highest level in decades. Chaplaincy provides privileged communication which is helpful in seeking clarity in tense situations; and

WHEREAS, providing a chaplain to assist the City Council through stressful times is one more resource the City can utilize to reach out with concern to its employees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that an unpaid volunteer position of Chaplain to the City Council be established to provide the following services:

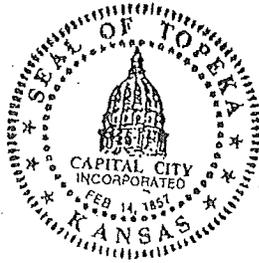
1. Participate in Council work sessions as least once a month to become familiar with the issues.
2. Visit City Council office every other week to check in on and be available for consultation with the City Council.
3. Provide intervention in times of crisis for the City Council.
4. Share his/her point of view in private consultation.

BE IT FURTHER RESOLVED that any type of public advocacy on the part of the chaplain relating to issues before the City Council shall be prohibited.

27 BE IT FURTHER RESOLVED that the Chaplain shall be appointed by the Deputy
28 Mayor on May 1 of each year.

29 ADOPTED and APPROVED by the City Council APR 20 2004

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James A. McClinton
James A. McClinton, Mayor

ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 4/23/04 BY [Signature]