

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Stephen Wade, concerning motor vehicle claims, repealing § 3.35.010, § 3.35.020 and § 3.35.060 of the Topeka Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 3.35.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Claim” means a claim against the City or against an employee of the City that could give rise to an action brought under the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., as amended.

“Employee” means any officer, employee, servant or member of a board, commission, committee, division, department, branch or Council of the City, including elected or appointed officials and persons acting on behalf or in service of the City in any official capacity, whether with or without compensation. Such term does not include an independent contractor under contract with the City. Such term does include former employees for acts and omissions within the scope of their employment during their former employment with the City.

~~“Motor vehicle claim” means a claim involving a motor vehicle owned by the City.~~

Section 2. That section 3.35.020, Filing of claims, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Filing of claims.**

(a) Every claim against the City shall be submitted in writing to the City Clerk.

(b) Whenever the City Clerk receives a claim, the Clerk shall submit a copy of the claim to the City Attorney. ~~If the claim is a motor vehicle claim, the Clerk shall submit a copy of the claim to Risk Management.~~

Section 3. That section 3.35.060, Motor vehicle claims, of The Code of the City of Topeka, Kansas, is hereby repealed:

~~**Motor vehicle claims.**~~

~~Motor vehicle claims may be processed through Risk Management. TMC 3.35.030 and 3.35.040 shall not apply to motor vehicle claims.~~

Section 4. That original § 3.35.010 and § 3.35.020 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

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Michael A. Padilla, Mayor

ATTEST:

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Brenda Younger, City Clerk