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City Council Agenda

City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 14, 2008
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Buntten

Councilmembers

Lana Kennedy	District No. 1	Deborah Swank	District No. 6
John Alcala	District No. 2	Brett Blackburn	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Preisner	District No. 8
Jack Woelfel	District No. 4	Richard Harmon	District No. 9
Bill Haynes	District No. 5		

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council.

Persons addressing the City Council will be limited to four (4) minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

Citizens wishing to offer Public Comment may sign up by phoning the City Clerk's office at 368-3940.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room 166 and on the City's web site at <http://www.topeka.org>)

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. **PROCLAMATIONS:**
"Lights On After School - YWCA"

2. **PRESENTATIONS:**
"None scheduled at this time."

3. **ROLL CALL:**

4. **CONSENT AGENDA:**

A. Resolution - St. John's Lutheran Church - Noise Exception



[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Lana Kennedy granting St. John's Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 1)*

(The Oktoberfest event will take place during the hours of 11:00 a.m. and 3:00 p.m. on October 19, 2008.)

B. Board Appointment - Jayhawk Area Agency on Aging Board of Directors



[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Marie Pyko to the Jayhawk Area Agency on Aging Board of Directors for a term that would expire on October 31, 2011. *(Council District No. 6)*

C. MINUTES of the regular meeting of October 7, 2008

D. APPLICATIONS:

5. **NEW BUSINESS:**

A. Ordinance - Weekly Expenditures - September 22-28, 2008



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 22, 2008, through September 28, 2008, and enumerating said expenditures therein. First and Final Reading.

B. License Cancellation/Suspension - Deep Pockets

NOTIFICATION of cancellation/suspension of license for Deep Pockets located at 4310 SW 21st, City of Topeka, Kansas.

This item was added at the meeting.

(Pursuant to City of Topeka Code Section 30-121 the Chief of Police shall immediately report suspension of license to the Council.)

6. **FIRST READINGS:**

A. Ordinance - Court Costs, Fees and Witness Expenses



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 50-26 and 50-82 concerning court costs and fees and witness expenses and specifically repealing said original sections. First Reading.

(Approval would provide the Municipal Court Judge with the authority and discretion to impose the cost of incarceration, court appointed attorney fees, warrant fees and other miscellaneous costs and expenses against persons charged and/or convicted in the Court. Approval would also clarify the core costs in the court and increase the amount paid to witnesses from \$5.00 to \$10.00 in an effort to offset increased costs in fuel and metered parking.)

7. **MISCELLANEOUS:**

-

8. PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL:

-

9. PUBLIC COMMENT:

-

10. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 30, 2008

+ Back Print

DATE: October 14, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

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PAGE #:

DOCUMENT DESCRIPTION:

"Lights On After School - YWCA"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

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PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 29, 2008

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DATE: October 14, 2008
CONTACT PERSON: Lana Kennedy
SECOND PARTY/SUBJECT: Ed Klumpp
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Lana Kennedy granting St. John's Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 1)*

(The Oktoberfest event will take place during the hours of 11:00 a.m. and 3:00 p.m. on October 19, 2008.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for a live band located at 901 SW Fillmore Street during specified date and time.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Lana Kennedy, granting St. John's Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146; and

WHEREAS, St. John's Lutheran Church has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of St. John's Lutheran Church, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that St. John's Lutheran Church is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for a live band and festivities

at the Oktoberfest celebration located at 901 SW Fillmore Street during the hours
of 11:00 a.m. and 3:00 p.m. on October 19, 2008.

ADOPTED and APPROVED by the City Council _____.

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 17, 2008

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DATE: October 14, 2008
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Jayhawk Area Agency on Aging Board of Directors **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Marie Pyko to the Jayhawk Area Agency on Aging Board of Directors for a term that would expire on October 31, 2011. *(Council District No. 6)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Marie Pyko, 1364 SW Collins Ave., to the Jayhawk Area Agency on Aging Board of Directors for a three year term that will end October 31, 2011.

The board is a statutory board wherein the Mayor nominates and the Council approves.

BACKGROUND:

KSA 75-5926 et seq. The Jayhawk Area Agency on Aging Board of Directors is a statutory board that advises the agency concerning policies and programs that affect older citizens in Douglas, Jefferson and Shawnee counties, and promotes the ability of older citizens to secure and maintain independence and dignity in their community. The Board of Directors governs the agency and is responsible for ensuring that the agency operates within the Federal, State and local laws.

From and after July 2, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or the position.

BUDGETARY IMPACT:

N/A

Item #7

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Pyko Bio - JAAA](#)

Biography Of Marie Pyko

Marie Pyko is the Public Services Manager at the Topeka and Shawnee County Public Library where she oversees Adult Services and Programs and Youth Services. Marie holds a Master's of Library Science from Emporia State University and a Bachelor's Degree in Psychology from Wayne State University with an emphasis in lifelong human development and aging. She is involved in local and national initiatives for libraries. For the past three years, Marie has been the chair of the community wide reading initiative with the National Endowment for the Arts The Big Read. She has spoken with numerous groups locally and nationally about the importance of reading for adults and has presented testimony before the Congressional Appropriations Subcommittee in Washington, DC. Prior to her position as Public Service Manager, Marie managed the Red Carpet Services Outreach Program for eight years where she coordinated library services to older adults either in retirement communities or in their own home. She spoke at several national library conventions on the importance of library services to an aging population. Marie is the Treasurer for the Kansas Library Association, serves on the Action Team for the Kansas Discovery Center, the children's museum in Topeka and is a member of the Downtown Rotary.



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DOCUMENT #:

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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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September 30, 2008

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SECOND PARTY/SUBJECT:

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CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 29, 2008

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DATE: October 14, 2008
CONTACT PERSON: JIM LANGFORD/KEJ **DOCUMENT #:**
SECOND PARTY/SUBJECT: WEEKLY EXPENDITURES **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 22, 2008, through September 28, 2008, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

Approve and allow weekly payments of valid operating expenditures, pursuant to Resolution No. 7607.

STAFF RECOMMENDATION:

Adopt as presented.

BACKGROUND:

Pursuant to Resolution No. 7607, adopted on April 12, 2005, which provides authorization to pay for certain expenditures prior to approval by the Council in an expenditure ordinance, the expenditures being authorized by this ordinance have been previously paid, in accordance with established procedures and policies for such payments.

BUDGETARY IMPACT:

Approves expenditures for the period September 22, 2008, through September 29, 2008, in the amount of \$4,598,048.67.

SOURCE OF FUNDING:

Appropriated funds and fees-for-service revenues of various City departments.

ATTACHMENTS:

[Weekly Expenditures](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of September 22, 2008, through September 28, 2008, and enumerating said expenditures herein.

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

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 1760 vendor checks written in this period	\$1,944,337.58
	Total vendor checks voided in this period (net)	(181,851.66)
	Total electronic transfers to vendors in this period	205,764.22
	Total net payroll to employees this period	1,609,376.42
	Total payroll related electronic transfers this period	<u>1,020,422.11</u>
	Total for expenditures in this period	<u>\$4,598,048.67</u>

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 10, 2008

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DATE: October 14, 2008
CONTACT PERSON: Ron Miller
SECOND PARTY/SUBJECT: Police Chief
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

NOTIFICATION of cancellation/suspension of license for Deep Pockets located at 4310 SW 21st, City of Topeka, Kansas.

This item was added at the meeting.

(Pursuant to City of Topeka Code Section 30-121 the Chief of Police shall immediately report suspension of license to the Council.)

POLICY ISSUE:

The license(s) may be reinstated or cancelled by the Council, and the Council may receive any information other than that furnished by the Chief of Police, or the Council may order the Chief of Police to make further investigation before acting on the matter of the cancellation of the license(s).

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #11



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2008

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DATE: October 14, 2008
CONTACT PERSON: Steven R. Ebberts **DOCUMENT #:**
SECOND PARTY/SUBJECT: Court costs and fees and witness expenses **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 050 Courts
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 50-26 and 50-82 concerning court costs and fees and witness expenses and specifically repealing said original sections. First Reading.

(Approval would provide the Municipal Court Judge with the authority and discretion to impose the cost of incarceration, court appointed attorney fees, warrant fees and other miscellaneous costs and expenses against persons charged and/or convicted in the Court. Approval would also clarify the core costs in the court and increase the amount paid to witnesses from \$5.00 to \$10.00 in an effort to offset increased costs in fuel and metered parking.)

POLICY ISSUE:

The policies to be considered with passage of this ordinance primarily include, but are not limited to, the assessment of costs to offenders adjudicated in the City of Topeka Municipal Court.

STAFF RECOMMENDATION:

Passage and approval of ordinance.

BACKGROUND:

This proposal stems from many discussions and requests by and between members of the City Council, the City Manager and Administration to impose more costs against persons either adjudicated guilty or charged in Municipal Court. It also reflects a change in State law authorizing courts to impose the costs of processing license reinstatement fees against defendants. Moreover, due to some complaints from the public, the proposal reflects a change in the printed structure of costs in the City ordinance in an effort to offer a more user friendly explanation of the court costs and fee structure. Finally it increases fees to assist witnesses with the rising costs associated with fuel and meter parking.

BUDGETARY IMPACT:

The majority of this ordinance is revenue and expense neutral because there are no changes to the budgetary costs (the "grid"). Moreover, the proposal primarily codifies current court practices and assessments. Thus, there is little change with regard to revenue for all items except the aforementioned suspension processing fee and incarceration

expense. This cost has been anticipated in the Court's budget for 2009. There would likely be an increase in revenue to the general fund relating to the assessment of incarceration expense and the license suspension processing fee, but the revenue is expected to be less than \$100,000. There will be an increase in expenditures from the Court's budget to cover the costs of increased witness fees in the amount of approx. \$3000.

SOURCE OF FUNDING:

Please refer to the Budgetary Impact and Background narratives immediately above with regard to source of funding for witness fees.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 50-26 and § 50-82 concerning court costs and fees and witness expenses and specifically repealing said original sections.

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

Section 1. That section 50-26, Court costs and fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Court costs and fees.

The following costs and fees ~~shall be charged~~ may be charged in the municipal court:

(1) Mandatory Costs. Unless otherwise prohibited by City ordinance or Kansas law, ~~persons who plead no contest, plead guilty, or defendants who are~~ convicted shall be assessed costs for the administration of justice in any ~~municipal court~~ case, ~~including~~ as follows:

a. ~~Each case, except as described in subsection b. without regard to the number of counts . . . \$61.00~~

b. ~~Each criminal misdemeanor case equivalent to an A or B misdemeanor as defined by state law or a misdemeanor defined by city ordinance . . . 128.00~~

(2) ~~For mileage, subpoena and witness costs for defense witnesses:~~

a. ~~Per day or any part thereof for an appearance . . . 5.00~~

b. ~~Plus, per mile actually driven over ten (10) miles (Reimbursement consistent with Internal Revenue Service allowed rate)~~

~~(3) For mileage driven by a law enforcement officer to serve a subpoena or warrant or to transport a person arrested or detained in the state under a warrant issued by the municipal court, per mile actually driven over ten (10) miles outside the city limits (Reimbursement consistent with Internal Revenue Service allowed rate)~~

~~(4) For each warrant issued . . . 25.00~~

~~(5) State mandated fees:~~

~~a. Judicial branch education fund (K.S.A. 12-4116 and amendments thereto): Each case, without regard to the number of counts, shall be assessed an amount fixed by order of the state supreme court. Funds collected pursuant to this assessment shall be distributed as required by state law.~~

~~b. Local law enforcement funds, (as required by state law): Each case, without regard to the number of counts, charging a criminal or public offense or charging an offense defined as a moving traffic offense pursuant to state law shall be assessed an amount fixed by state law. Funds collected shall be distributed as required by state law.~~

~~(6) Crime prevention fund . . . 3.50~~

~~(7) Police Department Equipment Fund . . . 5.00~~

<u>Description</u>	<u>Traffic – Moving Violations & Other Infractions</u>	<u>Parking Violations</u>	<u>Traffic – Non- moving</u>	<u>Class A or B Misdemeanors or Class C Assault</u>	<u>Adult Seatbelt Violations</u>
<u>Judicial Education Fund</u>	<u>.50</u>		<u>.50</u>	<u>.50</u>	
<u>Local Law Enforcement</u>	<u>1.00</u>			<u>1.00</u>	

<u>Training Fund</u>					
<u>Law Enforcement Center Training Fund</u>	<u>11.50</u>			<u>11.50</u>	
<u>Commission on Peace Officer Standards and Training Fund</u>	<u>2.50</u>			<u>2.50</u>	
<u>Juvenile Detention Facility</u>	<u>2.00</u>			<u>2.00</u>	
<u>Protection From Abuse Fund</u>	<u>.50</u>			<u>.50</u>	
<u>Crime Victims Assistance Fund</u>	<u>.50</u>			<u>.50</u>	
<u>Trauma Fund</u>	<u>1.00</u>			<u>1.00</u>	
<u>Crime Prevention Fund</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	
<u>Seatbelt</u>					<u>None</u>
<u>General Fund</u>	<u>43.00</u>	<u>62.50</u>	<u>62.00</u>	<u>110.00</u>	
<u>TOTAL</u>	<u>66.00</u>	<u>66.00</u>	<u>66.00</u>	<u>133.00</u>	<u>-0-</u>

(2) Additional Costs. In addition, defendants who are convicted may be assessed the following costs:

A. Warrant Fees

For each warrant issued, unless waived for good cause by the judge . . . \$25.00

B. Incarceration Expenses

Unless waived for good cause by the judge, a fee for incarceration

56 expenses shall be assessed against a defendant in each case in which
57 said defendant is incarcerated pursuant to an order of the municipal court
58 judge. The incarceration fee referenced in this subsection shall be
59 determined by multiplying the then current daily rate of incarceration
60 charged to the City of Topeka by Shawnee County Department of
61 Corrections by the numbers of days actually served by the defendant.

62 C. Court Appointed Attorneys

63 Unless waived or reduced for good cause by the judge, court
64 appointed attorney fees shall be assessed by the court against a
65 defendant in each case in which a municipal court judge appoints counsel
66 for said defendant.

67 D. Mileage. Mileage, subpoena and witness costs for defense
68 witnesses shall be as set forth in § 50-82 of this code.

69 E. Miscellaneous Fees and Costs

70 Additional costs and fees may be assessed by the municipal court
71 for service of process, for transcripts and depositions, commission on
72 collections and credit/debit card transaction fees.

73 (83) Except as provided herein, the judge or clerk of the municipal court shall
74 remit at least monthly the appropriate assessments received pursuant to this section as
75 required by state law, supreme court order or City of Topeka ordinance.

76 (94) For the purpose of determining the amounts to be assessed according to
77 this section, if more than one (1) complaint is filed against one (1) individual arising out
78 of the same incident, all such complaints shall be considered as one (1) case.

79 Section 2. That section 50-82, Subpoenas; witnesses' expenses; abuse of
80 subpoenas, costs, of The Code of the City of Topeka, Kansas, is hereby amended by to
81 read as follows:

82 **Subpoenas; witnesses' expenses; abuse of subpoenas, costs.**

83 All parties shall be entitled to the use of subpoenas to compel attendance of
84 witnesses within the state. The municipal judge or clerk shall issue a subpoena which
85 may be served by any law enforcement officer, the city attorney or an assistant city
86 attorney, the municipal judge, or the clerk of the municipal court upon the named
87 person. Disobedience may constitute contempt.

88 Fees and mileage of witnesses shall be ~~\$2.50~~ \$10.00 per day or any part thereof
89 for an appearance and ~~\$0.10~~ reimbursement per mile actually driven over ten miles.
90 Said mileage reimbursement rate shall be consistent with the then current Internal
91 Revenue Service allowed rate. The fees and mileage for the attendance of witnesses
92 shall be borne by the party calling the witness, excluding City police officers who are
93 exempt from receiving witness fees pursuant to this provision, except that if an accused
94 person is found not guilty, the city shall pay all such expenses: Provided, the municipal
95 judge may direct that fees and mileage of witnesses subpoenaed by the accused
96 person be charged against such person, if the judge finds that there has been an abuse
97 of the use of subpoenas by the accused person.

98 Section 3. That original § 50-26 and § 50-82 of the Code of the City of
99 Topeka, Kansas, are hereby specifically repealed.

100 Section 4. This ordinance shall take effect and be in force from and after its
101 passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Chambers
214 SE 8th Street
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September 30, 2008

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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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