



City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
<https://www.topeka.org>

Governing Body Agenda

December 11, 2018
6:00 PM

Mayor: Michelle De La Isla

Councilmembers

Karen A. Hiller	District No. 1	Brendan Jensen	District No. 6
Sandra Clear	District No. 2	Aaron Mays	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Coen	District No. 8
Tony Emerson	District No. 4	Michael Lesser	District No. 9
Mike Padilla	District No. 5		

City Manager: Brent Trout

Addressing the Governing Body: No person shall address the Governing Body during a Governing Body Meeting, unless they have notified the City Clerk at (785)368-3940 or by email at cclerk@topeka.org by 5:00 P.M. on the day of any Governing Body Meeting or sign up to speak at the meeting by 6:00 P.M. This limitation shall not apply to items added during the course of a meeting. The Governing Body 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 Governing Body.

Persons addressing the Governing Body will be limited to four (4) consecutive minutes on a particular agenda item. Debate, question/answer dialogue or discussion between Governing Body members will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Governing Body or by an affirmative vote of five (5) Governing Body members may extend the four (4) minute limitation. The requirement to notify the City Clerk will not apply towards public hearings required by State and Federal law.

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 <https://www.topeka.org>)

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PRESENTATIONS:

"Topeka Housing Authority Update"

2. ROLL CALL:

3. APPOINTMENTS:

A. Board Appointment - Board of Building and Fire Appeals

BOARD APPOINTMENT recommending the reappointment of Steve Mohan to the Board of Building and Fire Appeals for a term ending January 1, 2021. *(Council District No. 7)*

B. Board Appointment - Topeka Human Relations Commission

BOARD APPOINTMENT recommending the appointment of Shampayne Lloyd to the Topeka Human Relations Commission to fill an unexpired term July 1, 2020. *(Council District No. 4)*

C. Board Appointment - Topeka/Shawnee County Riverfront Authority

BOARD APPOINTMENT recommending the appointment of Todd Workman to the Topeka-Shawnee County Riverfront Authority Board to fill an unexpired term ending July 2, 2021.

D. Board Appointment - Topeka/Shawnee County Riverfront Authority

BOARD APPOINTMENT recommending the appointment of Brad Loveless to the Topeka-Shawnee County Riverfront Authority Board to fill an expiring term ending December 11, 2021.

4. CONSENT AGENDA:

A. MINUTES of the regular meeting of December 4, 2018

B. APPLICATIONS:

5. ACTION ITEMS:

A. Ordinance - 2019 Downtown Business Improvement District Fee Structure

ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2019 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would continue the imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District.)

B. Ordinance - 2019 Topeka Tourism Business Improvement District Fee Structure

ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code Section 3.65.035 establishing a service fee levy for 2019 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would continue the imposition of business improvement service fees on hotels within the district.)

C. Resolution - 2019 Governing Body Meeting Schedule

RESOLUTION introduced by Deputy Mayor Brendan Jensen cancelling Governing Body meetings for calendar year 2019.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would provide notice that meetings would not be held on January 1, 2019 (New Year's Day), August 6, 2019 (Primary Election Day) and November 5, 2019 (General Election Day).)

D. Ordinance - 2018 Budget Amendment

APPROPRIATION ORDINANCE introduced by City Manager Brent Trout, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2018, and appropriating the amounts for the purpose as set forth therein.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(The amendment would increase the expenditure level of the 2018 Adopted Budget in specified funds from \$6,056,965 to \$6,607,965, a \$551,000 increase.)

6. NON-ACTION ITEMS:

A. Discussion - Planning and Development Department

DISCUSSION regarding the renaming of the Planning Department and establishing a policy to waive certain types of building permits.

(Discussion of the proposed ordinance that would rename the Planning Department to the Planning and Development Department and authorize the Planning and Development Director to establish a fee waiver policy approved by the City Manager for building permits related to emergencies, affordable housing and charitable housing.)

B. Discussion - Governing Body Rules and Procedures Revisions

DISCUSSION of proposed revisions to Governing Body Rules and Procedures.

(Annual review of the Governing Body Rules and Procedures.)

7. ANNOUNCEMENTS:

8. PUBLIC COMMENT:

9. EXECUTIVE SESSION:

10. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Topeka Housing Authority Update"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

THA Presentation



Topeka Housing Authority

Topeka City Council
December 11, 2018

Trey George
Executive Director
THA, Inc.

tha.gov



History

- 1958—Housing Authority of the City of Topeka
- 1958-2001—Operated by the City of Topeka
- 1999—Designated by HUD as a “Troubled Agency”
- 1999—New Management brought in
- 2001—Transferred from City operated to the current structure

Structure

- Quasi-Governmental entity
- Administer Federal HUD Programs
- Five Member Board of Commissioners
- President / CEO—Sophie George
- 43 people on staff

What THA does

THA housing assistance is aimed at providing safe, decent, affordable housing with a cost to the resident of 30% of the household income for both housing and basic utilities (gas, electric, water, trash).

THA has two major housing programs:

- Housing Choice Voucher Program
- Public Housing

THA Numbers

- Current Public Housing Residents = 1,268
- Current HCV Participants = 2,669
- Public Housing Average Income = \$12,664
- Housing Choice Voucher Average Income = \$14,627
- Public Housing Wait List = 182
- Housing Choice Voucher Wait List = 1,518
- Public Housing Move in's 2018 = 228
- Vouchers Issued 2018 = 372

Affordable Housing

- Fair Market Rents (FMR's)
- HUD sets by Metropolitan Statistical Area

Year	Efficiency	One Br.	Two Br.	Three Br.	Four Br.
2019	\$543	\$593	\$785	\$1,033	\$1,229

- FMR's must include rent AND utility expense
- If rent is below FMR, property is deemed affordable
- Low Income Housing Tax Credits (LIHTC)
 - Only a development resource, not rent assistance
 - Accepts rental assistance

Legend

 HousingTaxCredit

Labels

HTC/HOME Units	Total Units
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36
37	37
38	38
39	39
40	40
41	41
42	42
43	43
44	44
45	45
46	46
47	47
48	48
49	49
50	50
51	51
52	52
53	53
54	54
55	55
56	56
57	57
58	58
59	59
60	60
61	61
62	62
63	63
64	64
65	65
66	66
67	67
68	68
69	69
70	70
71	71
72	72
73	73
74	74
75	75
76	76
77	77
78	78
79	79
80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100



While the City of Topeka, KS makes every effort to maintain and distribute accurate information, NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND are made regarding information, data, or services provided. In no event shall the City of Topeka, Kansas be liable in any way to the users of this data. Users of the data shall hold the City of Topeka, Kansas harmless in all matters and accounts arising from the use and/or accuracy of this data/map.
City of Topeka, Kansas :: Public Works :: Technical Support Group
12/29/2016 TVogue

Public Housing

- 744 Public Housing rental units
- 9 complexes throughout Topeka
- Complexes are owned jointly by THA and HUD
- 16 Maintenance Staff
- 2 Housing Specialists
- 2 Resident Assistants

Denial of Housing

- Common Reasons for Denial
 - Poor rental history, owing previous Landlord
 - Criminal (5yrs)
 - Owe another PHA (3yrs)
 - Bar and Ban List

All THA Sites

Marshall Square

Tennessee Town I & II

Polk Plaza

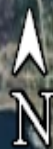
Tyler Towers

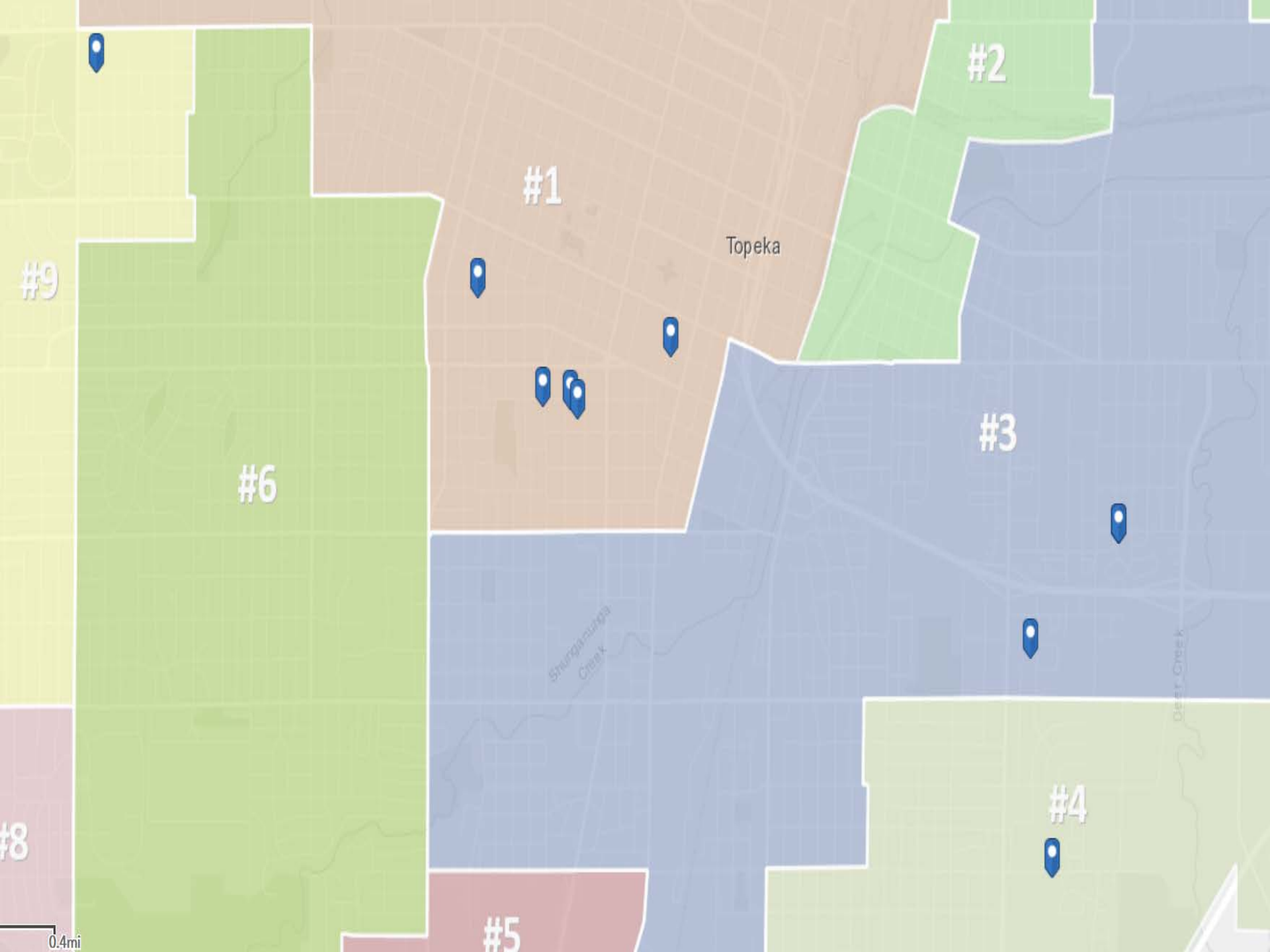
Jackson Towers

Pine Ridge

Echo Ridge

Deer Creek





Council District 1

Councilmember Hiller

Tennessee Town I & II

Jackson Towers

Western Plaza

Polk Plaza

Tyler Towers

Google Earth



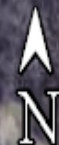
Council District 3

Councilmember Ortiz

Pine Ridge

Echo Ridge

Google Earth



Council District 4

Councilmember Emerson

Deer Creek

Google Earth

Image Landsat / Copernicus

N

Council District 9

Councilmember Lesser

Marshall Square

Google Earth

Image Landsat / Copernicus



Housing Choice Voucher Program

- Section 8 of the Housing Act of 1937
- THA currently serves 1,350 families
- Tenant based rental assistance
- Tenants are housed by more than 500 private landlords throughout the community
- \$6,000,000+ paid to private landlords annually
- Tenants pay rent to landlord, not to THA
 - THA is not a party to the lease, the lease is between the tenant and landlord

Housing Choice Voucher Program

- THA pays the landlord the difference between the cost of rent and the 30% of income the tenant pays—up to the cost of a unit of the bedroom size adequate for the family
- A majority of the families are housed through the Section 8 program
- Other rental assistance programs administered:
 - VASH—Veterans Affairs Supportive Housing (135)
 - FSS—Family Self Sufficiency Program
 - Mainstream—Families housing a disabled person (25)
 - NED—Non-Elderly Disabled Vouchers



THA, Inc.

501(c)(3) Non Profit Development arm of the
Topeka Housing Authority

THA, Inc. Develops, manages and improves affordable housing

THA, Inc Affordable Housing

- Ybarra Place
 - 16 homes – Designated Elderly / Disabled Housing
 - Ybarra Place II 14 homes (coming soon!)
 - Tax Credit Property
- 8 Single Family Homes
- Proposed Tax Credit Development
 - Johnston Village (38 homes)
- Topeka Housing Management Services
- Mixed Income Property Partnership



Other THA activities

One part of THA's Mission is to successfully house families and individuals. We support other activities besides basic housing with the intent of stimulating that success. We would like to help break the generational poverty cycle that we see too often.

Other THA activities

- Resident association meeting at most THA locations
- Deer Creek Community Center has a very active after school and summer program for the kids with THA staff leading the events
- East Topeka Community Police Office
- Computer labs to aid in job search and supportive services
- Resident Assistants at each high-rise location
- Community or individual gardens at most complexes
- Pine Ridge Partnership
- Deer Creek Training Room

Pine Ridge Partnership

- Primary Partners
 - Families at Pine Ridge
 - Topeka Housing Authority
 - THA, Inc
 - United Way of Greater Topeka
 - Topeka Public Schools (USD 501)
 - Washburn University



Pine Ridge Neighborhood





Pine Ridge Partnership Sites

- Parents As Teachers (2010)  Parents as Teachers®
Affiliate
- Pine Ridge Prep (2011) 
- Pine Ridge Prep II (2013)
- E3 Aquaponics (2013) 
- Born Learning Trail / Park (2013) 
- Pine Ridge Family Wellness Center (2015)
- Pine Ridge Family Health Center (2017)



Pine Ridge Partnership Sites



How to contact

- Trey George
- Phone 785-383-5776
- Email: tgeorge@tha.gov
- Web: tha.gov
- In person:
2010 SE California Ave
Topeka, KS 66607

Facebook: @TopekaHousingAuthority

THANK YOU
Topeka City Council!!

Questions...Comments?



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018	
CONTACT PERSON:	Mayor Michelle De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:	Board of Building and Fire Appeals	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Steve Mohan to the Board of Building and Fire Appeals for a term ending January 1, 2021. *(Council District No. 7)*

VOTING REQUIREMENTS:

At least five (5) votes of the City Council. Mayor does not vote.

POLICY ISSUE:

The City of Topeka Board of Building and Fire Appeals (BBFA) is responsible for reviewing and deciding on appeals relative to the application and interpretation of the currently adopted commercial and residential building and fire codes utilized within the Topeka jurisdiction. The BBFA has authority to hear and decide upon proposed alternatives, equivalencies and performance measures that may not be specifically prescribed by these codes. To be approved, any proposal must comply with the intent of the provisions of these codes. The BBFA does not have the authority to waive the requirements of these codes.

STAFF RECOMMENDATION:

Councilmember Mays nominates and Mayor De La Isla recommends the reappointment of Steve Mohan to the Board of Building and Fire Appeals for a two-year term that will end January 1, 2021. The position requires the member be a licensed commercial contractor and live within the city. Mr. Mohan meets these requirements.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. If no nominations are received, the Mayor may appoint. The board shall be comprised of seven members who shall be currently licensed or engaged in or have substantial past experience in the following fields or professions: licensed professional engineer, licensed architect, licensed commercial contractor, or other experienced professional

working in a field related to building construction. The board shall always consist of at least two engineers, two architects, and one contractor. Board members must live within the limits of the city of Topeka and will serve a two-year term.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Steve Mohan Application

Profile

Steve

First Name

Mohan

Last Name

smohan@mohanconstruction.com

Email Address

3731 SW Clarion Park Dr

Street Address

Suite or Apt

Topeka

City

KS

State

66610

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**What district do you live in? ***☒ District 7Check for your district here -> <https://www.topeka.org/citycouncil>

Home: (785) 233-1615

Primary Phone

Home: (785) 925-1694

Alternate Phone

Which Boards would you like to apply for?

Board of Building and Fire Appeals: Submitted

Mohan Construction

Employer

President

Job Title

Are you a registered voter?☒ Yes ☐ No**Are you currently a full or part-time employee of the City of Topeka?**☐ Yes ☒ No

If yes, please advise in which department you work:**Are you or any immediate family member related to any city governmental official or employee?**☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Please state why you are interested in serving on this board or commission:

Currently on this board

Interests & Experiences

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

Upload a Resume

[SMohan_Application_2016_Fire.pdf](#)

Please attach any additional information you believe may be helpful in considering your application.

Question applies to multiple boards

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

<http://topeka.novusagenda.com/agendapublic/>

civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

Mohan Construction, President
BS - Construction Science, Kansas State University, 1983, MBA - Rockhurst College, 1987
Associated General Contractors of Kansas, Past President
City of Topeka Board of Building and Fire Appeals
Greater Topeka Chamber of Commerce
Topeka South Rotary, Kansas Building Trades, Trustee, Leadership Topeka 2004

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Question applies to multiple boards.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

Current Contractors Licenses for Johnson County, Lawrence, Topeka, Manhattan, and Wichita

Voluntary Self Identification

White

Ethnicity

Male

Gender

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018	
CONTACT PERSON:	Mayor De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:	Topeka Human Relations Commission	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Shampayne Lloyd to the Topeka Human Relations Commission to fill an unexpired term July 1, 2020. *(Council District No. 4)*

VOTING REQUIREMENTS:

At least five (5) votes of the City Council. The Mayor does not vote.

POLICY ISSUE:

Ordinance 18382. The purpose of the Topeka Human Relations Commission is to endeavor to eliminate prejudice among various racial, ethnic and other groups in the city, and to further goodwill among all people of the city.

STAFF RECOMMENDATION:

Councilmember Emerson nominates and Mayor De La Isla recommends the appointment of Shampayne Lloyd to the Topeka Human Relations Commission to fill an unexpired term and a full term ending October 2020. Ms. Lloyd is a resident of Topeka as required for nomination.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. The board shall be comprised of nine members and serve two-year terms. Members shall be drawn from diverse racial, ethnic, commercial, industrial and other segments of the community and shall be city residents. Members shall serve without compensation.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Shampayne Lloyd Application

Profile

Shampayne

First Name

Lloyd

Last Name

shampaynelloyd@yahoo.com

Email Address

3719 SE 30th Terrace # 202

Street Address

3719 SE 30th Terrace # 202

Suite or Apt

Topeka

City

KS

State

66604

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**What district do you live in? ***☒ District 4Check for your district here -> <https://www.topeka.org/citycouncil>

Home: (785) 383-9103

Primary Phone

Home: (785) 383-9103

Alternate Phone

Which Boards would you like to apply for?

Citizen's Advisory Council: Appointed

Community Action Board: Appointed

Human Relations Commission: Not Submitted

Unemployed

Employer

Unemployed

Job Title

Are you a registered voter?☒ Yes ☐ No**Are you currently a full or part-time employee of the City of Topeka?**☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☒ Yes ☐ No

If yes, please explain:

Child Support Arrears

Please state why you are interested in serving on this board or commission:

Topeka Service the community and be a part of solutions, also being a bridge between the community to the office. I speak the city's language and know both sides. I would bring diversity and fresh perspective of the poor. I am considered the poor, what better person to work this position and make REAL change. Bringing understanding as well.

Interests & Experiences

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I am a product of the system, educated layer on life getting my GED, Liscencing in Certified Nursing And Medication Aide. I'm a Pastor of a new Church Planted in a poor urban area Hi Crest. I am also involved in World Impact, which is International Mission Organization That Equips Indigenous Leaders to lead and serve their own neighbors. Leadership Certified In Evangal and 3rd year seminary student in The Urban Ministry Institute. I Mentor at the Topeka Rescue Mission and The Topeka Correctional Facility For women

[Shampayne_Lloyd_Resume1.docx](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ African American

Gender

☒ Female

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

<http://topeka.novusagenda.com/agendapublic/>



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018	
CONTACT PERSON:	Mayor De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Todd Workman to the Topeka-Shawnee County Riverfront Authority Board to fill an unexpired term ending July 2, 2021.

VOTING REQUIREMENTS:

At least five (5) votes of the City Council. Mayor does not vote.

POLICY ISSUE:

The purpose of the authority is to promote the general welfare and encourage private capital investment by fostering the creation of recreational, retail, entertainment, economic development and housing within the river district.

STAFF RECOMMENDATION:

Mayor De La Isla is recommending the appointment of Todd Workman to the Topeka/Shawnee County Riverfront Authority Board.

BACKGROUND:

KSA 12-5601, et seq., established the Topeka/Shawnee County Riverfront Authority Board in 2006. The purpose of the authority is to promote the general welfare and encourage private capital investment by fostering the creation of recreational, retail, entertainment, economic development and housing within the river district. Members must be residents of Kansas. No member shall be an elected official. This is a statutory board wherein the Mayor nominates and recommends a nominee, and the Council has final approval.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

T Workman Application

Profile

Todd

First Name

Workman

Last Name

todd.workman@ks.gov

Email Address

4821 NE Meriden Rd

Street Address

Suite or Apt

Topeka

City

KS

State

66617

Postal Code

Are you a resident of the City of Topeka?☐ Yes ☒ No**What district do you live in? ***☒ Other / Outside City LimitsCheck for your district here -> <https://www.topeka.org/citycouncil>

Home: (785) 215-6059

Primary Phone

Mobile: (785) 431-3781

Alternate Phone

Which Boards would you like to apply for?

Topeka Shawnee County Riverfront Authority Board: Submitted

State of Kansas

Employer

Assistant Secretary of
Administration for KDWPT

Job Title

Are you a registered voter?☒ Yes ☐ No**Are you currently a full or part-time employee of the City of Topeka?**☐ Yes ☒ No

If yes, please advise in which department you work:**Are you or any immediate family member related to any city governmental official or employee?**☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Please state why you are interested in serving on this board or commission:

The Riverfront Authority works in concert on certain aspects of their plan. Kansas Wildlife Parks & Tourism has had a presence on the board, represented by Robin Jennison. He has asked that I serve in his place as he has moved to Wichita and taken a new position.

Interests & Experiences

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

BA in History Minor in English from Washburn University. Board member of Wildscape.

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

<http://topeka.novusagenda.com/agendapublic/>



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018	
CONTACT PERSON:	Mayor De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Brad Loveless to the Topeka-Shawnee County Riverfront Authority Board to fill an expiring term ending December 11, 2021.

VOTING REQUIREMENTS:

At least five (5) votes of the City Council. Mayor does not vote.

POLICY ISSUE:

The purpose of the authority is to promote the general welfare and encourage private capital investment by fostering the creation of recreational, retail, entertainment, economic development and housing within the river district.

STAFF RECOMMENDATION:

Mayor De La Isla is recommending the appointment of Brad Loveless to the Topeka/Shawnee County Riverfront Authority Board.

BACKGROUND:

KSA 12-5601, et seq., established the Topeka/Shawnee County Riverfront Authority Board in 2006. The purpose of the authority is to promote the general welfare and encourage private capital investment by fostering the creation of recreational, retail, entertainment, economic development and housing within the river district. Members must be residents of Kansas. No member shall be an elected official. This is a statutory board wherein the Mayor nominates and recommends a nominee, and the Council has final approval.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

B Loveless Application

Profile

Brad

First Name

Loveless

Last Name

brad.loveless@westarenergy.com

Email Address

24100 Adams Rd

Street Address

Suite or Apt

Lyndon

City

KS

State

66451

Postal Code

Are you a resident of the City of Topeka?☐ Yes ☒ No**What district do you live in? ***☒ Other / Outside City LimitsCheck for your district here -> <https://www.topeka.org/citycouncil>

Mobile: (785) 633-2118

Primary Phone

Business: (785) 575-8115

Alternate Phone

Which Boards would you like to apply for?

Topeka Shawnee County Riverfront Authority Board: Submitted

Westar Energy

Employer

SR Director, Conservation and
Sustainability Programs

Job Title

Are you a registered voter?☒ Yes ☐ No**Are you currently a full or part-time employee of the City of Topeka?**☐ Yes ☒ No

If yes, please advise in which department you work:**Are you or any immediate family member related to any city governmental official or employee?**☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Please state why you are interested in serving on this board or commission:

I think Topeka has great potential for developing the Kansas riverfront and am interested in helping to accomplish this in a way that is economically beneficial while being environmentally positive and sustainable.

Interests & Experiences

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

Bachelors in Zoology, Masters in Biology working on fish feeding habits. Have supervised utility environmental compliance and stewardship for 30 years. Serve on the Kansas Water Authority, the Kansas Forest Service Advisory Council, Kansas Alliance for Wetlands and Streams board, Kansas Land Trust Board and the Kansas State Historical Foundation board. Have won statewide awards for environmental conservation and education. I am currently updating my resume' which hasn't been touched for 35 years.

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

<http://topeka.novusagenda.com/agendapublic/>



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE: December 11, 2018
CONTACT PERSON: Nick Hawkins, Interim Finance Director **DOCUMENT #:**
SECOND PARTY/SUBJECT: Downtown Business Improvement District **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 12-04-18. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2019 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would continue the imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Approval would impose business improvement service fees which are used to provide a variety of services to downtown businesses: a portion of the landscaping, lighting between 4th and 10th Streets on S. Kansas Avenue, maintenance of improvements in City right-of-way in the district, programs to enhance downtown and promote economic development downtown.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district created by a City. Topeka has established such a district downtown. The fees are assessed based upon the

square footage and location of the business.

Beginning in 2017, the Board recommended introducing the tier structure as outlined on the map and varied fee structure as follows:

Tier 1:

Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0805 per square foot, with a cap of \$15,000

Tier 2:

Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0605 per square foot, with a cap of \$15,000

Tier 3:

Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0405 per square foot, with a cap of \$15,000

Additionally, vacant structures would pay as follows:

- \$.0405 per square foot in Tier 1
- \$.0305 per square foot in Tier 2
- \$.0205 per square foot in Tier 3

The BID Board recommends combining Tiers 1 and 2 and increasing the rate per square foot of occupied space to \$0.0905, and \$.04525 per square foot of unoccupied space for 2019.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

2019 Revised Map

2018 BID Report

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code § 3.40.030 establishing a service fee levy for 2019 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

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

Section 1. That section 3.40.030, Method of raising revenue, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

3.40.030 Method of raising revenue.

(a) The method to be used to raise the funds necessary for the district shall be the levy of service fees upon all businesses located within the district. "Business" means a fixed place of business where one or more persons are employed or engaged in the purchase, sale, provision or manufacturing of commodities, products or services. The ownership of real estate which is unoccupied and which is held for investment purposes, for sale or lease, shall be considered a business. For the purposes of this chapter, the operation of multifamily residential property and the operation of structured parking facilities shall not be considered to be a business.

(b) The service fees shall be based upon the location of the business in one of the tier areas located in the map which is incorporated by reference. However, the maximum service fee per business will not exceed \$15,000 regardless of the number of square feet or tier area. The service fees assessed shall be as follows:

Number of square feet	Rate
0 – 999	\$60 (all tiers)
1,000 plus (tier	\$ 0805 <u>0905</u> per

Number of square feet	Rate
one)	square foot
1,000 plus (tier two)	\$.0605 per square foot
1,000 plus (tier three <u>two</u>)	\$.0405 per square foot
Unoccupied Real Estate	Rate
Tier One	\$.0405 <u>04525</u> per square foot
Tier Two	\$.0305 per square foot
Tier Three <u>Two</u>	\$.0205 per square foot

(c) For the purposes of this chapter, the number of square feet of floor area occupied shall be determined as the total area designated for the exclusive use by the owner or tenants expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. In the case of leased property, square feet of floor area occupied is considered that area for which tenants pay rent. In no event shall square feet of floor area occupied include public toilets, corridors, stairwells, elevators, mechanical equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in no event shall square feet of floor area occupied include area which is unusable or is not occupied due to applicable city codes. In the case of a building occupied by a single business, the gross floor area may be reduced by subtracting the actual measured square footage of excluded areas as defined in this section or by subtracting 15 percent of the gross floor area, whichever is greater.

(d) Service fees under this section shall be levied for the year ~~2018~~ 2019 and shall be due and payable in two semiannual installments. Service fees shall be deemed

delinquent if not paid within 30 days of the due date provided for the second semiannual installment.

Section 2. That original § 3.40.030, of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. 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 Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

Downtown Business Improvement District



- Tier 1
- Tier 2

2018 BID REPORT

BUSINESS IMPROVEMENT DISTRICT





2018 BID REPORT

BUSINESS IMPROVEMENT DISTRICT

ADVISORY BOARD

Ken Scott	Chairman, Capitol Federal Savings
Jim Parrish	Parrish Hotel Corporation
Debbie Briman-Latta	Briman's Leading Jewelers
Stephen Smith	Stephen Smith Images
Nick Xidis	Hazel Hill Chocolates
Ann Adams	Premier Real Estate
Angel Zimmerman	Zimmerman & Zimmerman PA
Dan Hejtmánek	Bryan, Lykins & Hejtmánek PA
Kim Schultz	Schultz Development



CAPITAL CITY BUSINESS IMPROVEMENT DISTRICT MISSION STATEMENT

It is the purpose of the Capital City Business Improvement District (BID), under the authority of the City of Topeka, to carry out a program of services that will:

1. Create an attractive physical environment.
2. Create an attractive economic environment.
3. Strive to achieve excellence in the quality of life as a center of government, commerce, culture, history and recreation.

2018 PROGRAM OF SERVICE

Downtown Topeka, Inc., as the contractor for the BID, will carry out the following program of services to the extent that the funding will permit:

1. Provide general maintenance and cleaning of the district.
2. Provide maintenance of the equipment used in downtown cleaning.
3. Provide a walking path during snow on sidewalks from 4th to 10th on Kansas Avenue as well as the side streets from 6th to 10th.
4. Promote the district through a variety of marketing tools.
5. Collaborate with the City Forestry Department and Schendel Lawn and Landscape to maintain designated landscape beds.
6. Underwrite and support special downtown events and parades.
7. Provide timely and pertinent information through the DTI website, Facebook page and Twitter.
8. Publish a BID newsletter to communicate to businesses in the district.
9. Provide administrative services including inventory maintenance, office/overhead, insurance, salaries, benefits, etc.
10. Recruit new businesses and residential opportunities.
11. Collaborate with the City to provide Christmas lights on Kansas Avenue.



INTRODUCTION:

The Capital City Downtown Business Improvement District was established December 23, 1986, by the City of Topeka Ordinance Number 15701. The district was established in accordance with the Kansas Statutes to enable the City to provide additional services within the District not otherwise generally provided throughout the City of Topeka. In accordance with the provisions of state law, the Business Improvement District Advisory Board was established to make recommendations regarding the operation of the District. Staff assistance for the District was provided by the Topeka/Shawnee County Metropolitan Planning Agency. Paul Graves, who was Assistant Director for CBD Development, was assigned the primary responsibility for staff support of the District.

The administration of the District dramatically changed in 1995. At that time, the City of Topeka felt it could no longer provide the staff and resources necessary for managing the District as it had since 1986. Therefore, the City of Topeka has annually entered into an agreement with Downtown Topeka, Inc. to provide the administrative services adopted each year.

As is required in the annual operating agreement, the following report describes and explains the activities and services provided during 2018.



ADMINISTRATION:

Downtown Topeka, Incorporated administers the District by providing the services recommended by the District Advisory Board and approved by the City Council. As the exciting revitalization of downtown continues, the BID goals remain the same: To create an attractive physical and economic environment and strive to achieve excellence in the quality of life as a center of commerce, government, culture, history and recreation.

Every year new businesses open in downtown and questions arise about the Business Improvement District. To inform the businesses in the district we produced a video that describes why the district was created and the services provided. The link to the video was included in the City's assessment notices this year.

<https://www.youtube.com/watch?v=DDaQTR-b6ek&feature=youtu.be>



MAINTENANCE:

Paul Cervantez is employed full-time by DTI to provide maintenance and cleaning throughout the District. His schedule starts at 7:00AM Monday through Saturday as he travels from Monroe to Topeka Boulevard and from 2nd to 13th streets daily emptying trash cans and clearing the sidewalks, alleys and curbs of trash, leaves and other debris. He also is available on Sundays to clean and remove trash after major Saturday events. Paul maintains the equipment we use for the District and is a watchful eye as he travels throughout downtown. To reduce costs, Paul repaired over 12 benches rather than purchase new and expensive ones. Paul does a wonderful job maintaining the area.



During the winter months Paul often pre-treats the sidewalks in anticipation of ice and provides a walking path from 3rd to 10th on Kansas Avenue as well as the side streets intersecting 6th and 10th before stores open on snowy mornings. It is up to the individual business for removal of remaining snow in front of their business. The BID maintains a supply of urea for downtown businesses to purchase as an ice melt to use on the new concrete sidewalks.

To assist Paul in his coverage of the district, the BID purchased a Club Car in February to replace the aging vehicle that was purchased used in 2013. This vehicle has attachments for a snow blade and has a tow package. It is a considerable upgrade in servicing the needs of the BID.

SAFETY:

Downtown is one of the safest places in Topeka and the BID Advisory Board wants to continue that record. When Chief Cochran indicated his desire to bring the Segways back into service he said they needed to improve the aging fleet. The BID Advisory Board immediately voted to purchase a new Segway for use in downtown. The Segway was presented to the police department at a press conference on Kansas Avenue on May 18th.

The BID board assisted the police department in locating and securing a police help station to prepare for the significant increase in the number of people attending events in downtown. We want to thank Capitol Federal for allowing the use of their former teller station in their parking garage to be renovated for this use.



AESTHETICS:

The BID works with the City's Forestry Department to place the new Christmas decorations that we purchased in 2016 and 2017 along Kansas Avenue. The BID purchased banner arm extensions for the poles to allow for the appropriate size of banners. We also work in partnership with Westar Energy to secure the community Christmas tree that is donated by a local resident each year and to coordinate the annual tree lighting ceremony.

Through a generous contribution from Westar Energy we were able to add LED lights to the mid-block arches. The colors change for special events and seasons. The lights have added greatly to the overall experience of our new downtown.

The BID owns many tables, chairs and trash cans which we loan, at no charge, to downtown businesses for their events as well as non-profit organizations holding activities in downtown. Paul keeps track of our inventory and delivers and oversees their return after each event.

Through a grant from Keep America Beautiful, we received 25 additional cigarette receptacles to add to the 25 the BID purchased in 2017. Those receptacles were placed from 6th to 10th on Kansas Avenue. The new ones are being placed on Kansas Avenue as well as Jackson and Quincy. These receptacles have reduced the amount of cigarette butts discarded along the Avenue.





RECRUITMENT:

The BID is the source of downtown inventory and we receive numerous inquiries on available properties to lease or purchase. During the last four years over 25 buildings have been purchased by local investors on Kansas Avenue alone. DTI facilitated several of these transactions and is actively soliciting new businesses to downtown. In addition, we directed many prospective residents to lofts and apartments as the demand to live downtown continues to grow. DTI presented its second annual Downtown Loft Tour in November to promote the unique residential opportunities of downtown living.

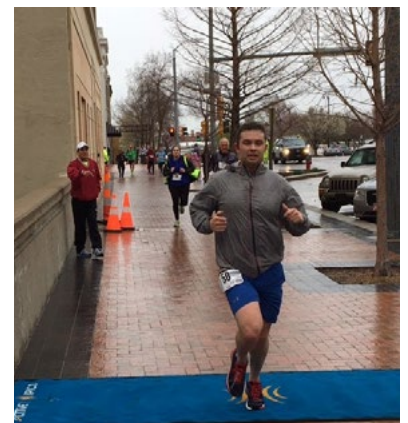
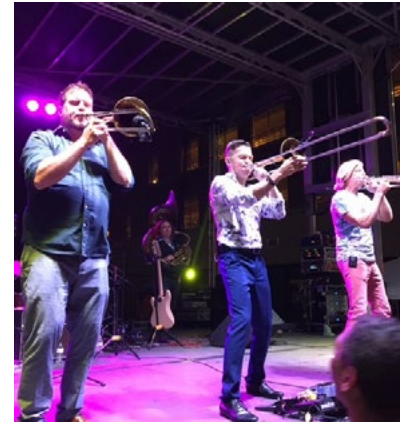
EVENTS AND PROGRAMMING:

Our goal is to make downtown the entertainment center of the community. We produced over 35 events last year helping to bring more people into contact with the many outstanding downtown businesses. We helped in the planning and execution of the St. Patrick's, Fiesta, Veterans and Miracle on Kansas Avenue parades and helped in the coordination of numerous activities planned by organizations wanting to conduct events downtown. We pay for all insurance and permits that cover our downtown events and secure barricades, porta-potties, fencing and other needs for our many activities. DTI and the BID produced the following events in 2018:

- 18 **Brown Bag Concerts** every Wednesday from mid-May through early September
- 4 **Second Saturday Concerts** on 8th between Kansas and Jackson
- **Bridge2Bridge 5K Run/Walk**
- **Capital City Jazz and Food Truck Festival** – Over 7,000 attended for great jazz and food
- **Inaugural Country and Food Truck Festival** – Over 15,000 attended
- **Inaugural Rock and Food Truck Festival** – Over 10,000 attended
- **Cruisin' the Capitol Car Show** – 450 cars and over 5,000 in attendance
- **Touch A Truck** – Family event with 50 trucks, cranes, bulldozers and everything a child loves to climb on. Over 12,000 attended.
- **Downtown Loft Tour** – Second annual event saw nearly 200 people tour five downtown lofts to increase interest in downtown living.
- **Boo It Downtown** – Downtown's annual Halloween trick-or-treat event. Several thousand ghosts and goblins attended despite inclement weather
- Hosted **movies on the Capitol Lawn** in June and September
- Created the first **Activate the Alleyway** event in the alley between the Jayhawk Tower and Equity Bank on 7th street. Music, colorful lights, food trucks and beverages helped bring the alley to life. In addition, over 20 local artists displayed their paintings of their vision of a vibrant downtown which were offered for sale during the event.

We were pleased to be the recipient of two Certificate of Merit awards from the International Downtown Association. One for the many events and programs we have created in downtown and a second for the private sector enhancements of the redevelopment project.

To enhance First Friday attendance in downtown, the BID partnered with the NOTO Arts District to provide a free shuttle between the two popular areas of the art walk. The shuttle made stops every 15 minutes from 5pm to 9pm during June through October.





LET'S GO DOWNTOWN

Country & Food Trucks	May 12
Movie on the Capitol Lawn	June 1
Family & Food Truck Festival	June 2
Second Saturday Concert Series	June 9
Second Saturday Concert Series	July 14
Rock & Food Trucks	July 28
Cruisin' The Capitol Car Show	Aug. 11
Second Saturday Concert Series	Aug. 11
Movie on the Capitol Lawn	Sept. 7
Second Saturday Concert Series	Sept. 8
Jazz & Food Truck Festival	Sept. 22

THE CAPITAL BUSINESS IMPROVEMENT DISTRICT (CBID) ADMINISTRATOR

Promotion:

We are fortunate to have great media partners. Most of our events are promoted at no expense through their sponsorships. In addition, we promote the downtown activities through 785, TK and Topeka magazines, social media, digital information monitors in area hotel lobbies and through the DTI web site. Our media partnerships allow us to provide reduced advertising rates for many downtown businesses.

We conduct monthly merchant meetings communicating upcoming events, community police reports for the district, redevelopment project updates and to receive feedback from the businesses. We produce a BID newsletter twice a year that is mailed to every business. Over 30 presentations were made to business and civic organizations regarding the great things happening downtown.

Numerous businesses in the BID, in addition to Downtown Topeka, Incorporated, actively serve on committees for Momentum 2022, the Downtown Topeka Foundation, the downtown plaza planning committee and the coordination of a downtown market study. These commitments are significant in helping transform great ideas into realities for the BID.

Capital Business Improvement District
NEWSLETTER
Summer/Fall 2018

Administered by:
Downtown Topeka, Inc.
 120 SE Sixth Ave. Topeka, KS 66603
 vince.frye@TopekaPartnership.com
 P: 785-234-9336 F: 785-234-4448

2018 BID Advisory Board
 Ken Scott, Chairman
 Capital Federal
 Debbie Briman-Latta,
 Briman's Jewelers
 Jim Parrish,
 Parrish Hotel Corporation

Downtown Plaza Moves Closer to Reality

Construction of the proposed downtown plaza, planned for the 600 block of Kansas Avenue, is a step closer thanks to major gifts from two downtown businesses. At a press conference on July 16 Capital Federal and Every each committed \$2.5 million for the plaza. The properties between 612 and 634 Kansas are owned by the Downtown Topeka Foundation which will oversee the construction. The plaza will include a 50-foot performance stage, 30-foot video screen, programmed fountains in the summer and ice skating in the winter. It will be programmed over 250 days a year and serve as the gathering place for the community. Construction is scheduled to begin after the first of the year with completion by March of 2020.

Changes in the Method of Funding

As we looked forward to 2019 and beyond, the Advisory Board discussed several potential changes in the method of funding. After reviewing the options, the Board recommended a revised assessment plan starting in 2019 based on a revised tiered structure. This plan bases the assessment on the proximity of the business to Kansas Avenue. The change reduces the number of tiers from three to two as the enclosed map reflects. The rate is as follows:

- Tier One - .0905 cents per square foot
- Tier Two - .0405 cent per square foot

The cap on the largest businesses is \$15,000.

In addition, the Advisory Board continues to recommend the assessment of empty properties at the following rates:

- Tier One - .04525 cents per square foot
- Tier Two - .0205 cents per square foot

The Advisory Board feels that this will be a more equitable structure. The City made a concerted effort to collect past assessments this year. Some businesses had not paid in several years and the number of receivables had continued to rise.

The citizens of Topeka made a revitalized downtown their top priority during the visioning process in 2008. The commitment by the City, as well as numerous businesses and individuals, has led to a downtown the community has embraced. New investment is occurring at a rapid rate. The future of downtown is bright!

Thank you for the opportunity to administer the Capital City Downtown Business Improvement District in 2018. DTI, and the Business Improvement District Advisory Board, look forward to continuing our role in the downtown revitalization for years to come.







City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018		
CONTACT PERSON:	Nick Hawkins, Interim Finance Director	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Topeka Tourism Business Improvement District	PROJECT #:	
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 002 Administration		
CIP PROJECT:	No		
ACTION OF COUNCIL:	Discussion 12-04-18.	JOURNAL #:	12
		PAGE #:	

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code Section 3.65.035 establishing a service fee levy for 2019 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would continue the imposition of business improvement service fees on hotels within the district.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Approval would continue the imposition of business improvement service fees which are used to provide a variety of services in the district.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district created by a city. Topeka has established such a district encompassing the city limits. The service fees must be approved annually by the governing body.

Since 2018 when the district was established, the fees have been \$1 per paid occupied room per night on hotel room rentals. The BID Advisory Board is recommending no changes to this fee.

The fees are used for a variety of statutory purposes that include beautification, architectural design for public spaces such as the Downtown Plaza, and support for community events.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

2019 TTBID Annual Service Fee

Ordinance 20074 - Impose Fee

Topeka Lodging Association Contract No. 46320

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager, Brent Trout, amending City of Topeka Code § 3.65.035 establishing a service fee levy for 2019 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

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

Section 1. That section 3.65.035, TTBD Service Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

3.65.035 TTBD Service Fees

(a) ~~Effective January 1, 2018,~~ The service fee levied on all hotels in the District for calendar year ~~2018~~ 2019 shall be \$1.00 per paid occupied room per night on hotel room rentals.

(b) All revenue from the service fees shall be placed in a special fund, as required by K.S.A. 12-1792 and amendments thereto and shall be used only for the services identified in TMC 3.65.020.

Section 2. That original § 3.65.035 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. 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 Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

6B



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
July 11, 2017

DATE: July 11, 2017

CONTACT PERSON: Lisa Robertson, City Attorney

DOCUMENT #: 20074

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #: 2017

Adopted Ord 7-11-17

PAGE #: 202

JUL 17 2017

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Interim City Manager Doug Gerber, concerning service fee levied in Topeka Tourism Business Improvement Districts, creating Topeka Municipal Code Section 3.65.035.

Voting Requirement: Majority vote of the Governing Body (6 votes).

(Approval would impose a \$1.00 service fee on hotel rooms in the Topeka Tourism Business Improvement District to commence on January 1, 2018.)

POLICY ISSUE:

Whether to impose a service fee on all hotels in the City - the proceeds of which would be used for services within the Topeka Tourism Business Improvement District (TTBID), including the design of the Downtown Plaza.

STAFF RECOMMENDATION:

Staff recommends the Governing Body adopt the ordinance.

BACKGROUND:

The governing body established the TTBID on May 9, 2017. If no business owner files a protest petition contesting the TTBID by June 29, 2017, the next step is to enact an ordinance establishing a service fee of \$1.00 per paid occupied room per night on hotel room rentals. The service fee would start on January 1, 2018 unless a protest petition is filed by business owners.

BUDGETARY IMPACT:

\$465,000 in anticipated revenue for 2018.

SOURCE OF FUNDING:

Service fees paid by hoteliers

(Published in the Topeka Metro News July 17, 2017)

ORDINANCE NO. 20074

AN ORDINANCE introduced by Interim City Manager, Douglas Gerber, concerning service fee levied in Topeka Tourism Business Improvement Districts, creating new section TMC 3.65.035.

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

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.65.035, which said section reads as follows:

TTBID Service Fees.

(a) Effective January 1, 2018, the service fee levied on all hotels in the District for calendar year 2018 shall be \$1.00 per paid occupied room per night on hotel room rentals.

(b) All revenue from the service fees shall be placed in a special fund, as required by K.S.A. 12-1792 and amendments thereto and shall be used only for the services identified in TMC 3.65.020.

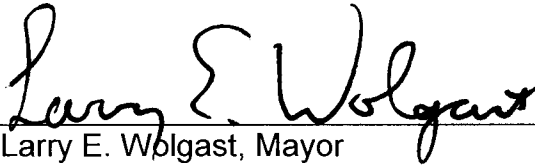
Section 2. This ordinance, which is subject to the protest provisions of K.S.A. 12-1789 and amendments thereto, shall take effect upon its passage, approval and publication in the official City newspaper, but shall be subject to repeal if, within 45 days following publication of the ordinance, a sufficient petition by the owners of a majority of the businesses located within the District is submitted to the City Clerk to compel repeal of this ordinance and dissolution of the District.

Section 3. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

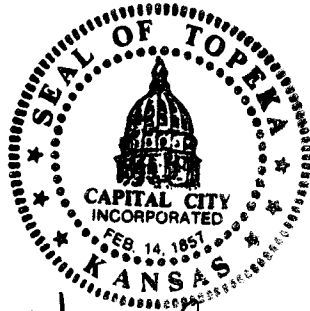
28 Section 4. Should any section, clause or phrase of this ordinance be declared
29 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
30 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

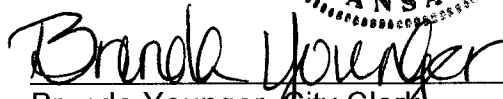
31 PASSED AND APPROVED by the Governing Body on July 11, 2017.

32
33 CITY OF TOPEKA, KANSAS

34
35 
36 Larry E. Wolkast, Mayor

37
38 ATTEST:



42 
43 Brenda Younger, City Clerk

ADMINISTRATIVE ACTION FORM

Contact Person:	Mary Feighny, Deputy City Attorney	Date:	10/4/2017
Document Type:	Contract/Agreement (not involving C & P)	Document #:	410320
Second Party:	Topeka Lodging Association	Project #:	
Subject:		HTE #:	
Department/Division:	Legal - ATTY	CIP Project?	No
Category/Subcategory:	007 Contracts and Amendments / 018 Other		

Requested Action: Approve and Execute Document

OCT 10 2017

Financial Implications:

Tourism
Finance will facilitate collection of business improvement district service fee imposed by hoteliers. A service fee of \$1 per hotel room will be collected by hoteliers and remitted to a financial institution retained by the finance department. The Topeka Lodging Assn. will pay a 2% fee to City to administer the collection process.

Ordinance No. 20064 requires that the City Manager contract with the Topeka Lodging Assn. to manage and provide services to the Topeka Tourism Business Improvement District in accordance with a program of services and a budget provided annually. The agreement addresses collection of the service fee and transfer of the funds to the TLA. The contract begins on 1/1/2018 and ends on 12/31/2022 (5 years).

RECEIVED
CITY CLERK
2017 OCT -5 P 2:07
TOPEKA, KANSAS

Approval/Action Routing:

Approved By:	Department/Division	Date:	
Approved By:	<i>LF</i>	Date:	10-4-17
Approved By:	<i>David R. Lee</i> Chief Fiscal Officer	Date:	10-4-17
Approved By:	<i>B. Younger</i> City Clerk	Date:	10-9-17
Approved By:		Date:	
Return To:	<i>Legal - Feighny</i>		

CITY OF TOPEKA CONTRACT NO. 46320

AGREEMENT

THIS AGREEMENT entered into this 10th day of October, 2017, by and between the City of Topeka, Kansas, hereinafter referred to as the "City," and the Topeka Lodging Association, a not-for-profit corporation, hereinafter referred to as "TLA."

WHEREAS, the City has established the Topeka Tourism Business Improvement District (the District); and

WHEREAS, the services to be provided to the District will include the services identified in K.S.A. 12-1784 and amendments thereto; and

WHEREAS, Topeka Municipal Code (TMC) Section 3.65.020 requires the city manager to contract with the TLA.

NOW, THEREFORE, in furtherance of these objectives and in consideration of the mutual covenants and agreements set forth herein, the City and the TLA hereby agree as follows:

1. SCOPE OF SERVICES. TLA shall provide the services identified in the Budget and Program of Services which are submitted on or before May 15th of each year by the Topeka Tourism Business Improvement District Advisory Board (Board) to the City in accordance with K.S.A. 12-1790 and amendments thereto.

2. COLLECTION OF SERVICE FEE. City is responsible for ensuring collection of the service fee from the hoteliers in accordance with TMC 3.65.030. City may utilize the services of a financial institution that will receive payments and reports on a monthly basis from the hoteliers with the first payment from the hoteliers being

due on or before February 25, 2018. Upon receipt, the financial institution will deposit the service fees into an account maintained by City pursuant to K.S.A. 12-1792 and amendments thereto ("City Account").

3. TRANSFER TO TLA.

(a) The City will transfer all of the funds from the City Account to the TLA, after deducting the City's administrative fee of 2%, on or before the first Friday of each month commencing on or before March 2, 2018.

(b) The parties acknowledge that funding for the services is dependent and conditioned upon the levy and collection of service fees pursuant to K.S.A. 12-1791 and amendments thereto. In no event shall the City be obligated to pay for any services provided by the TLA from the City's general fund regardless of any insufficiency in funds collected pursuant to K.S.A. 12-1791.

4. USE OF FUNDS; RECORDS. TLA shall use the funds generated by the service fee only for the services identified in K.S.A. 12-1784 and shall maintain adequate records so as to fully document and support all expenditures for the architectural design of the downtown Topeka plaza and any other services provided to the District. Such records shall be available for inspection by the City at all times during the normal business hours upon advance notification to the TLA.

5. NONDISCRIMINATION. In carrying out the terms and provisions of this Agreement, TLA will not discriminate against any employee, applicant for employment, recipient of service or applicant to receive services because of race, color, religion, sex, age, disability, national origin, ancestry or any other legally protected status.

6. NO JOINT VENTURE; INDEPENDENT CONTRACTOR. Nothing herein

contained shall be construed or held to make the City a partner, joint venturer, or associate of TLA in the endeavor undertaken in this Agreement, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.

7. INDEMNIFICATION. The TLA agrees to indemnify, hold the City harmless, and defend City from any and all claims, causes of action, and damages of every kind arising from the operations and activities of the TLA, its officers, agents, and employees, carried out in furtherance of this Agreement.

8. TERM/TERMINATION.

(a) This Agreement shall be for a term of five (5) years commencing on January 1, 2018, and terminating on December 31, 2022, unless extended in writing by the parties.

(b) Notwithstanding Section (a), this Agreement may be terminated at any time by either party by providing ninety (90) days written notice to the other party. In the event of the termination of this Agreement by either party, the City shall transfer to the TLA in accordance with the provisions of Section 3 all funds that were deposited in the City Account prior to the effective date of the termination of this Agreement.

(c) Notwithstanding Section (a), the parties agree that the City shall have the absolute and unqualified authority to terminate this Agreement at any time during the duration of this Agreement for any of the following reasons:

- (i) Failure of TLA to comply with the terms of this Agreement.
- (ii) Expending services fees for services outside the scope of K.S.A.

12-1784 and amendments thereto.

(iii) TLA's expenditures are unsubstantiated, unauthorized or improper.

(iv) Failure to allow inspection and audit of TLA records by City or its agents.

(v) The District is dissolved in accordance with K.S.A. 12-1789 and amendments thereto.

(vi) TLA dissolves or changes its not-for-profit status, files for bankruptcy protection or fails to remain in good standing with the Kansas Secretary of State.

In any of the foregoing events, TLA shall return all unexpended funds to the City.

9. ASSIGNMENT. This Agreement shall not be assigned by either party, in whole or in part, without the written consent of the other party.

10. AGREEMENT BINDING ON SUCCESSORS. This Agreement shall bind the heirs, successors and assigns of the parties and inure to the benefit of the heirs, successors, and assigns.

11. INTERPRETATION. This Agreement and its interpretation shall be governed by the laws of the State of Kansas. The obligations of the parties are performable, and venue for any legal action arising out of this Agreement shall lie in Shawnee County, Kansas.

12. NOTICE TO PARTIES: Any and all written notices between the parties relating to this Agreement shall be deemed to be sufficiently given if mailed, postage prepaid, by certified or registered mail, return receipt requested, addressed as follows:

If to the TLA:

Topeka Lodging Association
Kurt Young Executive Director
1430 S.W. Woodhull St. #4042
Topeka, Kansas 66604

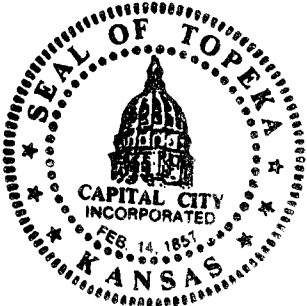
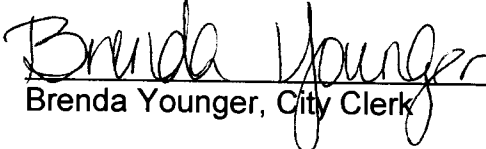
If to the City:

City of Topeka
Brenda Younger, City Clerk
215 SE 7th Street, Room 166
Topeka, Kansas 66603

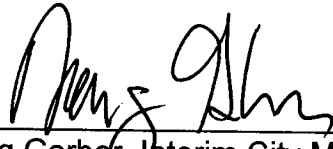
13. REPRESENTATIONS; EXECUTION IN COUNTERPARTS. By signing this Agreement, the parties represent that the person signing this Agreement is authorized to execute this Agreement on behalf of the party, and that the parties agree to be bound by the provisions of this Agreement. This Agreement may be signed by faxed or electronic signature, which shall be deemed to be an original signature. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and all of which shall be deemed to constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have hereto executed this contract as of the day and year first above written.

ATTEST:



Brenda Younger, City Clerk

CITY OF TOPEKA, KANSAS


Doug Gerber, Interim City Manager

APPROVED AS TO FORM AND LEGALITY

DATE 10-4-17 BY MF

TOPEKA LODGING ASSOCIATION


Stephanie Gassen, President



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE: December 11, 2018
CONTACT PERSON: Deputy Mayor Brendan Jensen **DOCUMENT #:**
SECOND PARTY/SUBJECT: 2019 City Council Meeting Schedule **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Deputy Mayor Brendan Jensen cancelling Governing Body meetings for calendar year 2019.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would provide notice that meetings would not be held on January 1, 2019 (New Year's Day), August 6, 2019 (Primary Election Day) and November 5, 2019 (General Election Day).)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Topeka Municipal Code (TMC) Section 2.15.020(c)(1) authorizes Governing Body meetings to be cancelled, provided that the number of Council meetings in a month is not less than two as required by TMC Appendix A, Section A2-26.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Traditionally, Governing Body meetings are cancelled in observance of established City holidays, Primary Election Day and General Election Day. The resolution provides notice of those cancellation dates.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Resolution

TMC Sec. A2-26 Meetings-Deputy Mayor

TMC 2.15.020(c)(1) Time of Governing Body Meetings

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Deputy Mayor Brendan Jensen cancelling Governing
4 Body meetings for calendar year 2019.

5
6 WHEREAS, TMC 2.15.020(c)(1) authorizes Governing Body meetings to be
7 cancelled by a majority vote of the Governing Body; and

8 WHEREAS, the Deputy Mayor recommends cancellation of meetings for the 2019
9 calendar year.

10 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
11 CITY OF TOPEKA, KANSAS that the following Governing Body meetings are cancelled for
12 the calendar year 2019: January 1 (New Year's Day), August 6 (Primary Elections), and
13 November 5 (General Election).

14 ADOPTED and APPROVED by Governing Body on _____.

15 CITY OF TOPEKA, KANSAS
16
17
18
19

20 _____
Michelle De La Isla, Mayor

21 ATTEST:
22
23
24
25

26 _____
Brenda Younger, City Clerk

TOPEKA MUNICIPAL CODE

Appendix A Article II ADMINISTRATION (HOME RULE CHARTER)

Sec. A2-26. Meetings – Deputy Mayor.

(a) The governing body shall establish, by ordinance, a meeting schedule for each calendar year, with a minimum of two meetings each month.

(b) The governing body shall elect a Councilmember to serve as deputy mayor in the absence or temporary disability of the mayor. The deputy mayor elected in April of 2016 shall serve until a successor is elected at the first governing body meeting in January of 2017 to serve a term that expires on January 8, 2018. Thereafter, a deputy mayor shall be elected at the third meeting in January for a one year term. (C.O. 117 § 5, 2-9-16.)

Chapter 2.15

CITY COUNCIL – MAYOR

2.15.020 Time of governing body meetings – To be open to the public.

(a) The governing body shall meet in the council chambers/municipal court complex on the second floor of the municipal building, the first three Tuesdays of each month at 6:00 p.m. except that the governing body shall meet on the second Monday, rather than the second Tuesday, in the month of January following the general municipal election.

(b) Notwithstanding subsection (a) of this section, when the date of a meeting falls on a legal holiday or any city primary or general election, the meeting may be rescheduled to another day fixed in advance by the governing body.

(c) Notwithstanding subsection (a) of this section, a meeting may be canceled under any of the following circumstances; provided, that the number of meetings in a month is not less than that required by Appendix A, Section A2-26:

(1) By a majority vote of the governing body;

(2) When the mayor, with the concurrence of the deputy mayor, determines that special circumstances exist, including but not limited to the scheduling of a special event or a lack of agenda items; or

(3) By the city manager in the event of inclement weather. (Ord. 20009 § 1, 6-21-16.)



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018	
CONTACT PERSON:	Nick Hawkins, Budget and Performance Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	Budget Amendment/Establish Public Hearing Date	PROJECT #:
CATEGORY/SUBCATEGORY	004 Budgets or Appropriations / 001 Operating Budget - City	
CIP PROJECT:	No	
ACTION OF COUNCIL:	Discussion 12-04-18.	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

APPROPRIATION ORDINANCE introduced by City Manager Brent Trout, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2018, and appropriating the amounts for the purpose as set forth therein.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(The amendment would increase the expenditure level of the 2018 Adopted Budget in specified funds from \$6,056,965 to \$6,607,965, a \$551,000 increase.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

K.S.A. 79-2929 allows for governing bodies to amend a budget based upon a standard process outlined in statute that follows a similar process for the budget adoption. Any amended budgets for proposed increases in expenditures are required to be balanced by previous unbudgeted revenues or balances other than ad valorem property taxes. At no time after setting the maximum taxes levied can the governing body increase the ad valorem property taxes.

During budget planning, staff are planning for budgets typically eight months in advance of the beginning of the upcoming fiscal year. The governing body typically will adopt the budget four months in advance of the upcoming fiscal year. Amendments are needed due to the changing nature of the City's budget, especially if

more revenues are received than estimated.

As required by State law, the governing body must hold a public hearing to consider amendments to the 2018 Operating Budget. On November 13th the Governing Body set a public hearing date of December 4, 2018, and authorized the publication of the public hearing notice in the Topeka Metro Newspaper on November 19, 2018. Approval of the appropriation ordinance is now required.

STAFF RECOMMENDATION:

Staff recommends the Governing Body adopt the ordinance.

BACKGROUND:

The Notice of Public Hearing was published on November 19, 2018, in the Topeka Metro Newspaper and the Public Hearing was held December 4, 2018. The proposed amendments for the 2018 budget would increase the adopted budget from \$6,056,965 to \$6,607,965, a \$551,000 *increase* for the following funds:

Tax Increment Financing Fund (220) – The 2018 adopted budget was \$190,000, and is recommended to increase to \$250,000. These funds were established to monitor the amount of property taxes received for tax increment financing districts created for redevelopment of blighted areas. The City currently has one district: College Hill. Revenues from the fund are transferred to the Debt Service fund to pay for capital projects within the College Hill district. Revenues have been higher than anticipated due to growth within the district.

Special Alcohol Fund (228) – The 2018 adopted budget was \$535,970, and is recommended to increase to \$641,970, which would come from the existing cash balance in the fund. Revenue is generated from the liquor tax and is allocated per recommendations by the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council. The amendment is needed due to a prior year encumbrance which was not anticipated to be expended in the 2018 budget.

SE 29th Community Improvement District Fund (297) – Due to the timing of the approval of the SE 29th Community Improvement District (CID) after budget adoption, the 2018 adopted budget did not include budget authority for this fund. These funds provide for the use of public financing to fund projects within a prescribed district to strengthen economic development and employment opportunities, enhance tourism or upgrade dated real estate. The budget amendment would allow for payment to the developer if requested before year end. The amendment will set the 2018 budget to \$85,000.

Information Technology Fund (613) – The 2018 adopted budget was \$4,270,995 and is recommended to increase to \$4,570,995. This fund provides for the information technology needs of the City and is funded by charging departments annual IT fees. A budget amendment is being needed due to potential expenses that may cause the budget to exceed adopted expenditure authority.

BUDGETARY IMPACT:

The amendment would increase the expenditure level of the 2018 Adopted Budget in the specified funds from \$6,056,965 to \$6,607,965, a \$551,000 increase.

SOURCE OF FUNDING:

The following source of funding includes:

Tax Increment Financing Fund (220) – Revenue
Special Alcohol Fund (228) – Fund Balance
SE 29th Community Improvement District Fund (297) – Revenue
Information Technology Fund (613) – Fund Balance

ATTACHMENTS:

Description

Ordinance

Summary

State Forms

Public Hearing Notification

1 (Published in the Topeka Metro News _____.)

2
3 ORDINANCE NO. _____

4
5 AN APPROPRIATION ORDINANCE introduced by Brent Trout, City Manager, approving
6 and adopting certain amendments to the operating
7 budget for the City of Topeka, for the year 2018, and
8 appropriating the amounts for the purpose as set
9 forth therein.

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

12
13 Section 1. *Amendments to the Budget incorporated by reference as a part of this*
14 *Ordinance.* The amendments to the operating budget for the City of Topeka, Kansas, for
15 the year 2018 as set forth in a document in the format prescribed by the Director of
16 Accounts and Reports of the Kansas Department of Administration, as required by law,
17 which has been published in a summary format together with a notice of public hearing, is
18 hereby incorporated by reference as a part of this Ordinance with the same force and
19 effect as if it were set forth herein in its entirety.

20 Section 2. *Amendments to the Budget approved and adopted.* The amendments
21 to the operating budget as described and incorporated by reference in Section 1 above are
22 hereby approved and adopted as amendments to the operating budget for the year 2018.

23 Section 3. *Funds appropriated by budget.* The amendments to the budget as
24 approved and adopted herein shall constitute and shall be declared to be appropriations for
25 the funds and departments as set forth therein, and the appropriations thus made shall not
26 be used for any other purpose. No money in any fund or fund type shall be used to pay for
27 any indebtedness created in excess of the amount appropriated for such fund or fund type,
28 or for the departments of such fund or fund type as referred to in the operating budget.
29 The appropriations made herein are for the year 2018 and no expenditures shall be

incurred as being authorized by such appropriations prior to January 1, 2018 or subsequent to December 31, 2018.

Section 4. *Budget amendments.* Any further amendment to the operating budget must be approved by the Governing Body and enacted in accordance with the provisions of K.S.A. § 79-2929a.

Section 5. *As used in this ordinance "fund" is defined as follows:*

Fund. A fiscal and accounting entity with a self balancing set of accounts in which cash and other financial resources, all related liabilities and residual equities, or balances, and changes therein are recorded and segregated to carry on specific activities or attain certain objectives in accordance with special regulations, restrictions, or limitations.

Section 6. *The following fund types are authorized:*

Governmental (or statutory) Fund Type: including General Fund, Special Revenue Funds, Debt Service Funds, and Capital Projects Funds; Proprietary Fund Type: including Enterprise Funds and Internal Service Funds (fixed or flexible); and, Fiduciary Fund Type: including Trust and Agency Funds. This Ordinance applies to all funds as listed on the budget certificate and fund summary adopted and submitted to the county and state.

Section 7. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

57
58
59
60

Brenda Younger, City Clerk

2018 Budget Amendment Summary

Below is a summary of each of the proposed amendments to the 2018 budget.

Tax Increment Financing Fund (220) – The 2018 adopted budget was \$190,000, and is recommended to increase to \$250,000. These funds were established to monitor the amount of property taxes received for tax increment financing districts created for redevelopment of blighted areas. The City currently has one district: College Hill. Revenues from the fund are transferred to the Debt Service fund to pay for capital projects within the College Hill district. Revenues have been higher than anticipated due to growth within the district.

Special Alcohol Fund (228) – The 2018 adopted budget was \$535,970, and is recommended to increase to \$641,970, which would come from the existing cash balance in the fund. Revenue is generated from the liquor tax and is allocated per recommendations by the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council. The amendment is needed due to a prior year encumbrance which was not anticipated to be expended in the 2018 budget.

SE 29th Community Improvement District Fund (297) – Due to the timing of the approval of the SE 29th Community Improvement District (CID) after budget adoption, the 2018 adopted budget did not include budget authority for this fund. These funds provide for the use of public financing to fund projects within a prescribed district to strengthen economic development and employment opportunities, enhance tourism or upgrade dated real estate. The budget amendment would allow for payment to the developer if requested before year end. The amendment will set the 2018 budget to \$85,000.

Information Technology Fund (613) – The 2018 adopted budget was \$4,270,995 and is recommended to increase to \$4,570,995. This fund provides for the information technology needs of the City and is funded by charging departments annual IT fees. A budget amendment is being needed due to potential expenses that may cause the budget to exceed adopted expenditure authority.

2018

**Amended
Certificate
For Calendar Year 2018**

To the Clerk of Shawnee, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
City of Topeka
certify that: (1) the hearing mentioned in the attached publication was
held;(2) after the Budget Hearing this Budget was duly approved and
adopted as the maximum expenditure for the various funds for the year.

Table of Contents:			2018 Amended Budget		
			Amount of 2017 Tax that was Levied	Adopted 2018 Expenditures	Proposed Amended 2018 Expenditures
Fund	<u>K.S.A.</u>	Page No.			
Tax Increment Financing	12-1775 (b)(2)	2		690,000	750,000
Special Alcohol	79-41A04	3		535,970	641,970
SE 29th CID	Administrative	4		560,000	645,000
Information Technology	City Code Sec. 2-144	5		4,270,995	4,570,995
Totals		xxxxxxx	0	6,056,965	6,607,965
Summary of Amendments		6			

Attested date: _____

County Clerk

Assisted by:

Address:

Email:

Governing Body

Tax Increment Financing	2018 Adopted Budget	2018 Proposed Budget
Unencumbered Cash Balance January 1	0	0
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
College Hill	190,000	250,000
Wheatfield	500,000	500,000
Interest on Idle Funds		
Total Receipts	690,000	750,000
Resources Available:	690,000	750,000
Expenditures:		
Contractual Services	500,000	500,000
Other	190,000	250,000
Total Expenditures	690,000	750,000
Unencumbered Cash Balance December 31	0	0

City of Topeka

2018

Adopted Budget

Special Alcohol	2018 Adopted Budget	2018 Proposed Budget
Unencumbered Cash Balance January 1	18,538	124,538
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Liquor Tax	535,970	535,970
Interest on Idle Funds		
Total Receipts	535,970	535,970
Resources Available:	554,508	660,508
Expenditures:		
Grants to Outside Agencies	535,970	641,970
Total Expenditures	535,970	641,970
Unencumbered Cash Balance December 31	18,538	18,538

City of Topeka

2018

Adopted Budget

SE 29th CID	2018 Adopted Budget	2018 Proposed Budget
Unencumbered Cash Balance January 1	0	0
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Sales Tax	560,000	645,000
Interest on Idle Funds		
Total Receipts	560,000	645,000
Resources Available:	560,000	645,000
Expenditures:		
Payment to Developer	560,000	645,000
Total Expenditures	560,000	645,000
Unencumbered Cash Balance December 31	0	0

City of Topeka

2018

Adopted Budget

Information Technology	2018 Adopted Budget	2018 Proposed Budget
Unencumbered Cash Balance January 1	1,145,189	1,145,189
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Department Fees	3,921,044	3,921,044
Franchise Fees	10,000	10,000
Interest on Idle Funds		
Total Receipts	3,931,044	3,931,044
Resources Available:	5,076,233	5,076,233
Expenditures:		
Personnel	1,649,024	1,649,024
Contractual	2,105,221	2,405,221
Capital	340,000	340,000
Commodities	176,750	176,750
Total Expenditures	4,270,995	4,570,995
Unencumbered Cash Balance December 31	805,238	505,238

2018

**Notice of Budget Hearing for Amending the
2018 Budget**

The governing body of
City of Topeka

will meet on the day of December 4, 2018 at 6:00 p.m. at City Council Chambers at 214 E Eighth Street for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Office of the City Clerk at City Hall
and will be available at this hearing.

Summary of Amendments

Fund	2018 Adopted Budget			2018 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Tax Increment Financing			690,000	750,000
Special Alcohol			535,970	641,970
SE 29th CID			560,000	645,000
Information Technology			4,270,995	4,570,995

Brenda Younger

Official Title: City Clerk

2018

**Notice of Budget Hearing for Amending the
2018 Budget**

The governing body of
City of Topeka

will meet on the day of December 4, 2018 at 6:00 p.m. at City Council Chambers at 214 E Eighth Street for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Office of the City Clerk at City Hall
and will be available at this hearing.

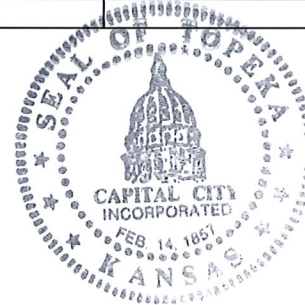
Summary of Amendments

Fund	2018 Adopted Budget			2018 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Tax Increment Financing			690,000	750,000
Special Alcohol			535,970	641,970
Law Enforcement			690,921	713,921
SE 29th CID			560,000	645,000
Information Technology			4,270,995	4,570,995


Official Title: City Clerk

Page No.

6





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018	
CONTACT PERSON:	Bill Fiander, AICP	DOCUMENT #:
SECOND PARTY/SUBJECT:	Planning and Development Department/Permit Waivers	PROJECT #:
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 110 Planning	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION regarding the renaming of the Planning Department and establishing a policy to waive certain types of building permits.

(Discussion of the proposed ordinance that would rename the Planning Department to the Planning and Development Department and authorize the Planning and Development Director to establish a fee waiver policy approved by the City Manager for building permits related to emergencies, affordable housing and charitable housing.)

VOTING REQUIREMENTS:

Discussion only. No action is required of the Governing Body.

POLICY ISSUE:

The Planning Department has included the Development Services Division within its organization since July 2016. Naming of the Department to align with its core functions will better reflect its purpose.

The City Manager nor Planning Director currently have authority to waive minor building permit fees for not-for-profit developments. Having a policy in place to allow the City to waive permit fees for certain humanitarian purposes would be in keeping with the City's leadership and development culture while having little impact on the budget.

STAFF RECOMMENDATION:

Discussion only. Staff is recommending approval of the ordinance when presented to the Governing Body for consideration on December 18, 2018.

BACKGROUND:

The Planning Department unofficially absorbed the Division of Development Services from the Department of Neighborhood Relations on July 4, 2016. This merger was ultimately approved by the Governing Body on February 21, 2017. In order to better reflect its new functions and purpose, it is recommended the Department be renamed the Planning and Development Department.

Topeka Municipal Code (TMC) currently only allows waiver of building permit fees in very narrow circumstances. TMC 14.20.060(I)(109.6) allows the City Manager to reduce building permit fees for economic development projects over \$5,000,000 up to 25% provided the fee is reimbursed to the City by JEDO.

However, there are occasions where the City is asked and would be desirous of waiving certain permit fees if the authority existed. This would include smaller residential or not-for-profit projects the City would like to be partners in for humanitarian purposes. These development projects include health and welfare emergencies, affordable housing, or charitable housing particularly when there is a substantial donation of materials, labor, or funds by contractors. The proposed ordinance would allow the Planning Director to establish a policy (with approval of the City Manager) guiding under what conditions permit fees can be waived for such purposes. It is anticipated that the policy would be narrowly applied to:

- The City's affordable housing partners or CHDOs (Community Housing Development Organizations) such as Habitat for Humanity and Cornerstone.
- Instances where the contractor is donating all of their time and materials for a charitable cause such as St. Jude's Dream House or the health of an individual in an emergency (lack of water, heat, plumbing, etc.)
- Rebuilding after a natural disaster

BUDGETARY IMPACT:

Typical building permit fee for a new single family home is \$483 less than 1,500 square feet and \$663 greater than 1,500 square feet. On average, 3-4 units are anticipated to qualify each year amounting to approximately \$2,200 annually in reduced revenue.

Waiving of trade permit fees (electrical, mechanical, plumbing) for emergencies would be \$53 for residential and \$103 for commercial. It is anticipated that these requests would be less than \$500 annually.

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:**Description**

Ordinance

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Brent Trout, renaming the Planning
6 Department and authorizing fee waivers; amending City of Topeka
7 Code § 2.30.090; 2.50.010; 2.50.020; 14.20.060, subsection 109.6;
8 14.55.150, and repealing §§ 2.50.030, 2.50.040, and 2.50.060.
9

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

11 Section 1. That section 2.30.090, Planning department created, of The Code
12 of the City of Topeka, Kansas, is hereby amended to read as follows:

13 **Planning and development department created.**

14 (a) There is hereby created a department of planning and development. The
15 director of planning and development shall be appointed by the city manager. The city
16 manager, pursuant to Charter Ordinance No. 94, Section 1 (Appendix A, Section A2-
17 54), shall be responsible for supervising and evaluating the performance of the planning
18 and development director of planning. The planning and development director shall be
19 responsible for the overall operation of the department, including comprehensive
20 planning, zoning, transportation planning, and development services.

21 ~~The director of planning shall be responsible for the overall operation of the planning~~
22 ~~department.~~

23 (b) All references in the Code to “planning director” or “director of planning”
24 shall mean the director of planning and development.

25 (c) All references in the Code to “planning department” shall mean the
26 department of planning and development.

27 Section 2. That section 2.50.010, Created, of The Code of the City of Topeka,
28 Kansas, is hereby amended to read as follows:

29 **Created Development services division.**

30 There is hereby created a ~~building code enforcement~~ development services
31 division. This division shall be under the general supervision of the ~~planning director of~~
32 planning and development and as such shall be an administrative division within the
33 ~~planning department of planning and development.~~

34 Section 3. That section 2.50.020, Sections enumerated, of The Code of the
35 City of Topeka, Kansas, is hereby amended to read as follows:

36 ~~Sections enumerated~~ **Duties; director.**

37 (a) The building code enforcement development services division shall consist of
38 the following named sections: be responsible for all permit, inspection, and enforcement
39 functions related to building and trade codes.

40 ~~(a) Building Inspection. A building inspection section which shall consist of a~~
41 ~~building inspector and such number of assistant inspectors as may be authorized.~~

42 ~~(b) Electrical Inspection. An electrical inspection section which shall consist of an~~
43 ~~electrical inspector and such number of assistant inspectors as may be authorized.~~

44 ~~(c) Plumbing Inspection. A plumbing inspection section which shall consist of a~~
45 ~~plumbing inspector and such number of assistant inspectors as may be authorized.~~

46 ~~(d) Mechanical Inspection. A mechanical inspection section which shall consist of~~
47 ~~a mechanical inspector and such number of assistant inspectors as may be authorized.~~

48 (b) The director of development services shall be responsible for the discharge
49 of division duties imposed by this chapter and other ordinances imposing duties upon
50 the development services division. The director of development services shall be
51 responsible to the director of planning and development.

52 (c) The director of development services shall be authorized, subject to the
53 approval of the director of planning and development, to utilize expert technical advisors
54 when deemed necessary to determine any question arising under the ordinances
55 relating to the duties of the development services division.

56 Section 4. That section 2.50.030, of The Code of the City of Topeka, Kansas,
57 is hereby repealed.

58 **~~Code enforcement director – Devotion to duty.~~**

59 ~~The code enforcement director shall, during his term of office, devote full time to~~
60 ~~the official duties and shall not be engaged or employed directly in any building~~
61 ~~business, nor enter into any contract for the design or construction of any building for~~
62 ~~another or for furnishing any materials, drawings or specifications therefor.~~

63 Section 5. That section 2.50.040, of The Code of the City of Topeka, Kansas,
64 is hereby repealed.

65 **~~Powers and duties generally~~**

66 ~~(a) The director of development services shall be the head of the building code~~
67 ~~enforcement division and shall be responsible for the performance of the duties of the~~
68 ~~subordinate members and employees of the division. The director of development~~
69 ~~services shall be authorized and empowered to perform the duties imposed upon any~~
70 ~~inspector or assistant inspector of the building code enforcement division, any~~
71 ~~ordinance of the city to the contrary notwithstanding. In the discharge of duties, the~~
72 ~~director of development services shall be directly responsible to the planning director~~
73 ~~and shall make such reports of the affairs of the building code enforcement division as~~
74 ~~may be required by the planning director.~~

~~(b) The director of development services shall have such other duties as may be imposed by this chapter and other ordinances imposing special duties upon the building code enforcement division.~~

Section 6. That section 2.50.060, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Expert technical advisors.**~~

~~The code enforcement director shall be authorized, subject to the approval of the planning director, to utilize expert technical advisors when deemed necessary to determine any question arising under the ordinances relating to the duties of the building code enforcement division.~~

Section 7. That section 14.20.060, subsection 109.6, waiver of fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Waiver of fees

109.6 Waiver of fees. Building permit fees and plan review fees as required by this section for building projects with a total valuation of five million dollars (\$5,000,000.00) or more may be modified by the city manager to a lesser amount, such modification not to exceed twenty-five percent (25%) of the scheduled fees provided the city manager determines the building project encourages economic development and creation of jobs. Modifications of building permit fees and plan review fees which exceed twenty-five percent (25%) of the scheduled fees shall be approved by the governing body. However, no modification of building permit fees and plan review fees shall be made

if: 1) the applicant utilizes other available tax incentives and/or 2) the subject property is exempt from real estate taxation.

109.6.1 Building permit and plan review fees for projects identified by the governing body shall be waived provided and to the extent the Joint Economic Development Organization reimburses the City for such fees.

109.6.2. Notwithstanding subsections 109.6. and 109.6.1, the planning director is authorized to establish a fee waiver policy approved by the city manager for:(1) emergency situations; and (2) affordable or charitable housing projects.

Section 8. That section 14.55.150, Schedule of permit fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Schedule of permit fees; waiver.

Section R108.2, Schedule of permit fees, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

(a) On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

New construction (this includes all permit fees):

Type construction	Fee
Single-family and duplex	
0 – 1,500	\$480.00
1,501 – 3,000	\$660.00

Type construction	Fee
3,001 and over	\$830.00

117 Room additions (this includes all fees):

Area (sq. ft.)	Fee
0 – 100	\$40.00
101 – 250	\$75.00
251 – 500	\$125.00
501 – 750	\$200.00
751 – 1,000	\$275.00
1,001 or more	\$325.00

118 Garage additions (this includes all fees):

Type	Fee
Single	\$50.00
Double	\$75.00
Triple	\$75.00

119 Accessory structure: Only building fee: \$30.00.

120 Interior alteration (building fee only):

Cost		Fee
\$0.00 – \$500.00		\$30.00
\$501.00 – \$5,000.00		\$45.00
\$5,001.00 – \$10,000.00	\$60.00	
\$10,001.00 and over	\$100.00	

121 **(b)** Working without permit. Whenever work that requires a permit has
122 commenced without a permit, an amount equal to twice the normal permit fee shall be
123 paid before the permit is issued.

124 **(c)** Investigation fee. All site investigations made by inspectors of work going
125 on without permits will require an additional \$50.00 investigation fee, in addition to any
126 other fees, be added to the final permit fee if it is determined that the work being done at
127 the site does indeed require a permit and no application has been made.

128 **(d)** The planning director is authorized to establish a fee waiver policy
129 approved by the city manager for: (1) emergency situations; and (2) affordable or
130 charitable housing projects.

131 **Section 9.** That original §§ 2.30.090; 2.50.010; 2.50.020; 14.20.060,
132 subsection 109.6; and 14.55.150 of The Code of the City of Topeka, Kansas, are
133 hereby specifically repealed.

134 **Section 10.** This ordinance shall take effect and be in force from and after its
135 passage, approval and publication in the official City newspaper.

136 **Section 11.** This ordinance shall supersede all ordinances, resolutions or rules,
137 or portions thereof, which are in conflict with the provisions of this ordinance.

138 **Section 12.** Should any section, clause or phrase of this ordinance be declared
139 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
140 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

141 PASSED AND APPROVED by the Governing Body on _____.

142
143 CITY OF TOPEKA, KANSAS
144
145
146

147
148
149
150
151
152
153
154

ATTEST:

Michelle De La Isla, Mayor

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 11, 2018

DATE:	December 11, 2018	
CONTACT PERSON:	Lisa Robertson, City Attorney	DOCUMENT #:
SECOND PARTY/SUBJECT:	Brent Trout, City Manager/Brenda Younger, City Clerk	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION of proposed revisions to Governing Body Rules and Procedures.

(Annual review of the Governing Body Rules and Procedures.)

VOTING REQUIREMENTS:

Discussion item only. No action is required by the Governing Body.

POLICY ISSUE:

The Governing Body adopts its own rules and procedures and staff is recommending certain revisions after conducting an annual review.

STAFF RECOMMENDATION:

Discussion only.

BACKGROUND:

The Governing Body adopts its own rules and procedures, which are reviewed from time to time -- preferably on an annual basis. The revisions proposed following the 2018 review include:

(1) Adding a reference to voting requirements as set out in the City Charter and cleaning up language throughout document to reflect these requirements and eliminate confusion.

(2) Adding clarification related to the distinctions between regular and special meetings (primarily related to the handling of agendas and public comment);

(3) Adding a time limit for "presentations" and increasing the time limit for "public comment" - but placing a corresponding restriction on extensions;

(4) Codifying the current practice of directing all questions on an agenda item to the City Manager for his response/direction;

(5) Adding a section related to receiving input from GB members regarding agenda items prior to consideration at a meeting;

(6) Renaming the "Economic and Community Development" standing committee to the "Social Service Grants" committee; and

(7) Renaming "Citizen Input" section to "Rules of Decorum," given the fact that decorum is the actual subject matter of this particular section.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Summary of Proposed Revisions 12-11-18

Governing Body Rules and Procedures (Redline Version) 12-11-18

Governing Body Rules and Procedures - Adopted 2-20-18

Governing Body Rules and Procedures (Clean Version) 12-11-18

OVERVIEW OF REVISIONS SHOWN IN REDLINE DOCUMENT

Page 4, Lines 98-110

Section 2.2 "Quorum; Voting"-- Added "voting" to the title of this section and placed existing language (related to quorum) as subsection (a), while adding new language (related to voting) as subsections (b) and (c) to reference Charter Ordinance A2-30(b):

- All actions taken by the governing body require an affirmative vote of six (6) or more *governing body* members, unless a greater or lesser number is otherwise required. [Lines 103-105]
 - All actions taken by the council related to matter over which the mayor has veto authority (ordinances enacted pursuant to the City's home rule power) require an affirmative vote of five (5) or more *council* members. [Lines 107-110]
-

Page 8, Lines 293-304

Section 4.3 "Preservation of Order"

- Restructured the language to specifically reference that rules of decorum are to be applied for purposes of preserving order and where those rules of decorum can be located for review. [Lines 293-302]
 - Clarified voting requirement language. [Lines 302-304]
-

Page 9, Lines 328-330

Section 5.1 "Preparation and Circulation"-- Revised to add a new subsection (b) to address agendas related to "special" governing body meetings.

Page 9, Lines 333, 335-337

Section 5.2 "Addition and Removal of Items from the Agenda"

- Added reference to the meeting being "regular" for clarity (given the cross references to 5.1(a) and TMC 2.15.040, which pertain to "regular" meeting.) [Lines 333 and 337]
 - Clarified voting requirement language. [Line 335-336]
-

Page 10-11, Lines 378-434

Section 5.5 "Opportunities to Present Information or Make Public Comment"

- Added a new subsection (a) to address "Presentations," which incorporates a corresponding time frame of eight (8) minutes - with no additional time allowed upon expiration. [Lines 380-391]

- Restructured the lengthy paragraph in former subsection (c) – now (b) – by breaking it into four separate subsections: Subsections (b)(1) and (4) contain clarification of rules that apply to regular versus special governing body meetings [Lines 395-398] and provides an additional minute for public comment (five rather than four) - with no additional time allowed upon expiration [Lines 408-414]; and subsection (b)(2) contains new language added to provide guidance to those who wish to provide public comment during “special” meetings [Lines 400-403]. Subsection (b)(3) was not changed.
- Former subsection (b) – now (c) – clarifies that comments related to a specific agenda item will be heard at the time that particular item is considered [Lines 416-418] and clarified voting requirement language. [Lines 420-421]
- Added a reference in former subsection (a) – now (d) – to “regular” governing body meetings, given that only regular governing body meetings have a specific agenda item entitled “public comment.” [Lines 424-425]
- Added a new subsection (e) to specifically reference that rules of decorum are to be observed and where those rules of decorum can be located for review. [Lines 433-434]

Page 11, Line 436

Section 5.6 “Adjournment”-- Added reference to the meeting being “regular” for clarification.

Page 11, Lines 444-447

Section 6.1 “Questions on Agenda Items”-- Added a new section to codify current practice of directing all questions on an agenda item to the City Manager, who will either answer the question posed, or call upon a staff member to answer the question. Re-numbered the next two sections contained in Section 6.

Pages 12-13, Lines 453-540

Section 6.3 “Motions”

- Deleted first sentence, as the requirement that members be physically present to vote is already specifically addressed in Rule 7.2(b) -- (now Rule 7.3(b) – see Pages 14-15, Lines 585-589).) [Lines 453-455]
- Deleted subsection (a), entitled “To Dispose of a Matter with Affirmative or Negative Action,” as this describes a “typical” motion that does not need to be specifically set out/addressed in the rules. Re-lettered the remaining subsections contained in Section 6.2. [Line 458-468]

- Clarified voting requirement language in former subsection (f) – now (e). *[Lines 512-513]*
 - Clarified voting requirement language in subsection (h) – now (g). *[Lines 538-540]*
-

Page 14, Lines 571-579

Section 7.2 “Input from the Governing Body”-- Added a new section to encourage members of the Governing Body to contact the City Manager at least the day prior to a regular governing body meeting at which a particular agenda item will be discussed or initially considered with any questions, issues or proposed course of action related to the item. Re-numbered remaining Sections in Section 7.

Page 15, Lines 614-615

Section 8.2(a) “Standing Committees”-- Revised to re-name the “Economic and Community Development” Committee to “Social Service Grants” Committee to more accurately reflect the responsibilities this particular committee is tasked with.

Page 16, Lines 639-640

Section 8.3 “Special Committees”-- Clarified voting requirement language.

Pages 16-17, Lines 664-665 and 697-703

Section 8.5(a)(1) and (d)(1) and (2) “Procedure for Committee Items”

- Clarified voting requirement language. *[Lines 664-665]*
 - Added reference to the meeting being “regular” for clarification. *[Lines 697-698, 702-703]*
-

Page 18, Line 750

Section 8.12 “Committee Expenses”-- Clarified voting requirement language.

Page 18, Lines 765-769

Section 9.1 “Procedure for Addressing the Governing Body”-- Revised to clarify that comments from the public should be addressed to the Governing Body as a whole, as opposed to individual members.

Pages 18-19, Lines 772-784

Section 9.2 "Respectful Communication" -- Revised to clarify that all meeting participants, including not only members of the public, but also Governing Body and staff members, should engage in respectful communications.

Page 19, Line 788-789

Section 9.3 "Communication with Governing Body" -- Added language to clarify that members of the public are not prohibited from communicating with the Governing Body "outside of a regular, special or committee meeting."

Page 19, Lines 794-795

Section 10.1 "Suspension of These Rules" -- Clarified voting requirement language.

Page 19, Line 799

Section 10.2 "Amendment of These Rules" -- Clarified voting requirement language.

1
2
3
4

5

6
7
8
9
10
11
12
13
14

**City of Topeka
Governing Body**

Rules and Procedures

Effective Date:

15

16
17

18
19
20
21
22
23
24
25
26
27
28
29

30
31
32
33
34

35
36
37
38
39
40

41
42
43
44
45
46
47

48
49
50
51

52
53
54
55
56
57

TABLE OF CONTENTS

1. AUTHORITY 4

1.1 Charter..... 4

2. GENERAL RULES 4

2.1 Meetings to be Public 4

2.2 Quorum: Voting..... 4

2.3 Record of Proceedings..... 4

2.4 Right of Floor..... 4

2.5 Duties of City Manager Relative to Governing Body..... 4

2.6 Duties of City Attorney Relative to Governing Body..... 5

2.7 Duties of City Clerk Relative to Governing Body 6

2.8 Officers and Employees 6

2.9 Rules of Order 6

2.10 Television Coverage 6

2.11 Seating During Meetings 6

3. TYPES OF MEETINGS..... 7

3.1 Regular Governing Body Meetings 7

3.2 Special Governing Body Meetings..... 7

3.3 Committee Meetings 7

3.4 Attendance of Media at Meetings 7

4. CHAIR AND DUTIES..... 8

4.1 Chair 8

4.2 Call to Order 8

4.3 Preservation of Order 8

4.4 Point of Order 8

4.5 Questions to be Stated 9

5. GOVERNING BODY MEETING AGENDAS..... 9

5.1 Preparation and Circulation 9

5.2 Addition and Removal of Items from the Agenda 9

5.3 Agenda Contents 9

5.4 Planning Department Agenda Items 10

5.5 Opportunities to Present Information or Make Public Comment..... 10

5.6 Adjournment..... 11

6. RULES OF ORDER 11

6.1 Questions Related to Agenda Items 12

6.2 Governing Procedure 12

6.3 Motions..... 12

7. ORDINANCES AND RESOLUTIONS 14

7.1 Preparation 14

7.2 Input from Governing Body 144

7.3 Consideration 14

7.4 Numbering 14

58	8. COMMITTEES	15
59	8.1 Purpose	15
60	8.2 Standing Committees	15
61	8.3 Special Committees	15
62	8.4 Duties and Powers of Committees	16
63	8.5 Procedure for Committee Items	16
64	8.6 Quorum	17
65	8.7 Alternate Members of Committees.....	17
66	8.8 Committee Meeting Times.....	17
67	8.9 Agenda Preparation	18
68	8.10 Minutes.....	18
69	8.11 Public Comment.....	18
70	8.12 Committee Expenses.....	18
71	8.13 Rules <u>Applicable</u>	18
72	8.14 Television Coverage	18
73	9. RULES OF DECORUM	18
74	9.1 Procedure for Addressing the Governing Body	18
75	9.2 Respectful Communication	18
76	9.3 Communication with the Governing Body	19
77	10. SUSPENSION AND AMENDMENT OF GOVERNING BODY RULES.....	19
78	10.1 Suspension of These Rules	19
79	10.2 Amendment of These Rules.....	19
80		
81		

82 **1. AUTHORITY**

- 83
84 **1.1 Charter:** TMC §A2-30 provides that the governing body may determine
85 its own rules of procedure for meetings. The following set of rules shall be
86 in effect upon their adoption by the governing body and until such time as
87 they are amended or new rules adopted in the manner provided by these
88 rules.
89

90 **2. GENERAL RULES**

- 91
92 **2.1 Meetings to be Public:** All meetings of the governing body shall be open
93 to the public, except for executive sessions as provided for by state
94 statute. Persons attending meetings shall turn off or mute any device or
95 instrument capable of emitting an audible sound or tone before entering
96 the meeting room.
97

98 **2.2 Quorum; Voting:**

99
100 (a) Six (6) members of the governing body shall constitute a quorum
101 and be necessary for the transaction of business.

102
103 (b) All actions by the governing body shall be taken by an affirmative
104 vote of six (6) or more members, unless a greater or lesser number
105 of votes is required by state law, city ordinance or these rules.

106
107 (c) All actions by the council with regard to ordinances enacted
108 pursuant to the City's home rule power (ordinary ordinances) that
109 are subject to a mayoral veto shall be taken by an affirmative vote
110 of five (5) or more council members.
111

- 112 **2.3 Record of Proceedings:** An account of all proceedings of the governing
113 body shall be kept by the city clerk and shall constitute the official record.
114

- 115 **2.4 Right of Floor:** Any member desiring to speak shall be recognized by the
116 meeting chair, and shall confine his or her remarks to the subject under
117 consideration or the one to be considered.
118

119 **2.5 Duties of City Manager Relative to Governing Body:**

- 120
121 (a) The members of the governing body and the city manager shall
122 observe scrupulously the relationship and the respective authorities
123 and responsibilities of each as provided by the statutes, city
124 ordinances, governing body rules or procedure and the ethics of
125 good conduct. Generally speaking, the governing body shall act as
126 a policy-making body only except as specifically provided otherwise
127 by statute and the city manager shall act as the administrative head

of the city. The governing body shall delegate to the city manager all administrative duties not specifically required by statute to be performed by the governing body. No member of the governing body shall interfere directly with the conduct of any municipal department. All instructions or direction to the city manager shall come from the governing body after approval of a majority (six) of the members. The city manager shall disregard any other instructions or directions and shall refer them to the governing body as a whole. Requests for routine information may be made to the city manager, department heads or their designees by individual councilmembers or the mayor, but all requests for lengthy or detailed reports shall be made only to the city manager. Except for the assistant to the Council, no instructions or directions shall be given by any member of the governing body to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the governing body for such action as may be appropriate in each individual case. Notwithstanding this subsection (a), when the city manager delegates a specific task to a particular staff member(s), including staffing a committee, direct communication may occur between council members and that staff member(s).

- (b) The city manager shall act as the administrative head of the city and in such capacity shall direct the affairs of the city within the limits of the budget, the policies established by the governing body and the requirements of the statutes. The city manager or a designee shall attend all meetings of the governing body unless excused by a majority of the governing body. The city manager shall prepare and submit the annual budget to the governing body, shall keep the governing body advised as to the financial condition and requirements of the city and shall make recommendations on all matters concerning the welfare of the city. The city manager shall have no vote in the public meetings of the governing body and shall refrain from attempting to establish policy except to make recommendations to the governing body. The city manager shall observe the highest standard of ethics of the city manager profession. The city manager shall consult with the governing body on matters pertaining to the affairs of the city.

2.6 Duties of City Attorney Relative to Governing Body:

- (a) The city attorney or a designee shall attend all meetings of the governing body. He or she shall draft or cause to be drafted all ordinances, resolutions, contracts, releases, agreements and other instruments pertaining to legal actions of the city which shall have

174 been approved as to form and legality by the city attorney or a
175 designee before presentation to the governing body. When
176 requested by any member of the governing body, the city attorney
177 shall furnish an opinion, either written or oral as may be appropriate
178 in each case, concerning parliamentary rulings, interpretations of
179 governing body rules of procedure and opinions as to legality of
180 matters under consideration. The city attorney is the chief legal
181 advisor to the city through its governing body, as a whole, as well
182 as the city manager; but not individual residents or individual
183 governing body members.

- 184
185 (b) The city attorney shall be the parliamentarian for the governing
186 body and shall provide advice and counsel to the meeting chair on
187 all interpretations of the rules and procedures for the conduct of
188 meetings. However, the meeting chair shall rule on all such
189 matters, as provided by Rule 4.4.
190

191 **2.7 Duties of City Clerk Relative to Governing Body:** The City Clerk or a
192 designated representative shall attend all meetings of the governing body;
193 keep the official record (minutes); tally the votes taken; announce the
194 votes both for and against; and perform such other duties as may be
195 requested.
196

197 **2.8 Officers and Employees:**
198

- 199 (a) Notwithstanding TMC A2-54, which gives the city manager the
200 power to appoint, discipline and remove any employee in
201 accordance with City personnel policies, the mayor and council
202 members may provide input to the city manager regarding the
203 employment and evaluation of the assistant to the mayor and
204 assistant to the council, respectively.
205
206 (b) When there is pertinent business from their departments on the
207 agenda, department heads or their designees shall attend such
208 meetings upon request of the city manager.
209

210 **2.9 Rules of Order:** "Roberts Rules of Order Revised" shall govern the
211 proceedings of the governing body in all cases, unless they are in conflict
212 with these rules.
213

214 **2.10 Television Coverage:** Except as otherwise provided herein, the public
215 portions of governing body meetings shall be televised live, subject to
216 budget constraints or technical difficulties.
217

218 **2.11 Seating During Meetings:** The council shall be seated in council district
219 order for meetings pursuant to TMC § 2.15.020.

220
221
222
223 **3. TYPES OF MEETINGS**
224

225 **3.1 Regular Governing Body Meetings:** The governing body shall meet in
226 the governing body chambers for regular meetings and call such meetings
227 in accordance with applicable provisions of the City Charter, TMC Chapter
228 2.15 and these Governing Body Rules.
229

230 **3.2 Special Governing Body Meetings:**
231

- 232 (a) Special meetings may be called by the city manager, the mayor or
233 by four (4) or more members of the council.
234
235 (b) The call for a special meeting shall be submitted to the city clerk,
236 except an announcement of a special meeting during any meeting
237 at which a quorum of members are present shall be sufficient notice
238 of such special meeting.
239
240 (c) The notice calling for a special meeting shall specify the day, the
241 hour, the location and an agenda that lists the subject or subjects
242 that will be considered during the special meeting. Only such
243 business may be transacted at a special meeting as may be listed
244 in the agenda that is part of the notice.
245
246 (d) Except for emergencies, the city clerk shall provide documented
247 notice of a special meeting to the city manager, as well as the
248 entire governing body, and shall post the notice on the City's web
249 site at least 24 hours prior to the meeting date and time.
250
251 (e) The governing body may work in conjunction with staff to develop
252 procedures to address particular issues during special meetings
253 (i.e., budget meetings and how budget amendments will be
254 handled, special public hearings).
255

256 **3.3 Committee Meetings:** Committee meetings may be held pursuant to
257 provisions contained in Rule 8.
258

259 **3.4 Attendance of Media at Meetings:** All meetings of the governing body
260 and its committees shall be open to the media, freely subject to recording
261 by radio, television, and photographic services at any time, provided that
262 such arrangements do not interfere with the orderly conduct of the
263 meetings.
264
265

266
267
268
269 **4. CHAIR AND DUTIES**

270
271 **4.1 Chair:**

- 272
273 (a) *Mayor.* The mayor, if present, shall preside as chair at all meetings
274 of the governing body.
275
276 (b) *Deputy Mayor.* In the absence of the mayor, the deputy mayor
277 shall preside. Anytime there is a need for an election of a deputy
278 mayor, council members who have served the longest period of
279 time and have not previously served as deputy mayor will
280 automatically be nominated.
281
282 (c) *City Clerk.* In the absence of both the mayor and deputy mayor,
283 the city clerk shall preside until a chair is elected from among the
284 council members present.
285

286 **4.2 Call to Order:** The meetings of the governing body shall be called to
287 order by the mayor or, in the mayor's absence, by the deputy mayor. In
288 the absence of both the mayor and the deputy mayor, the meeting shall be
289 called to order by the city clerk for the election of a temporary chair.
290

291 **4.3 Preservation of Order:** The chair shall preserve order and decorum,
292 prevent attacks on personalities or the impugning of member's motives,
293 and confine members in debate to the question under discussion. ~~The~~
294 ~~following will not be tolerated: uttering fighting words, slander, speeches~~
295 ~~invasive of the privacy of individuals, unreasonably loud or repetitious~~
296 ~~speech, and speeches so disruptive of proceedings that the legislative~~
297 ~~process is substantially interrupted.~~ All rules of decorum and conduct
298 established by these Rules and Procedures, as set forth in Section 9, shall
299 apply. Any governing body member ~~engaging in any of these~~ who violates
300 the rules of decorum will be warned ~~once~~ by the chair and if the behavior
301 continues, the governing body member will be ~~ordered~~ asked to leave the
302 ~~council governing body~~ chambers ~~and that order shall be effective~~
303 ~~after upon~~ a two-thirds ~~(2/3rds)~~ affirmative vote of the members
304 ~~present~~ (seven (7) or more). If necessary, the governing body member will
305 be escorted from the chambers if such member persists in interfering with
306 the ability of the governing body to reasonably carry out its functions.
307

308 **4.4 Point of Order:** The chair shall determine all points of order, subject to
309 the right of any member to appeal to the council. If any appeal is taken,
310 the question shall be, "Shall the decision of the chair be sustained?"
311

312 **4.5 Questions to be Stated:** The chair shall state all questions submitted for
313 a vote and announce the result.
314

315 **5. GOVERNING BODY MEETING AGENDAS**
316

317 **5.1 Preparation and Circulation:**
318

319 (a) The city manager shall create an agenda for regular governing
320 body meetings. Each Thursday, the city clerk shall post the
321 agendas for the next two consecutive meetings to the City's
322 website, along with the final version of any supporting documents
323 related to items included as part of the final agenda and all
324 available supporting documents related to items included as part of
325 the preliminary agenda; provided, however, that no technical
326 difficulties would prevent this from occurring.
327

328 (b) The agenda of any special governing body meeting shall be set by
329 the city manager and included as part of the notice calling for such
330 meeting, as prepared by the city clerk in accordance with Rule 3.2.
331

332 **5.2 Addition and Removal of Items from the Agenda:** Notwithstanding
333 section 5.1, items may be added to ~~the~~a regular governing body meeting
334 agenda pursuant to TMC 2.15.040, which requires an explanation for the
335 necessity of adding the item and a ~~majority~~vote of six (6) or more
336 members of the governing body to add the item. The city manager may
337 remove any item from ~~the~~a regular governing body meeting agenda if the
338 item is not ready for consideration unless the governing body has taken
339 action to defer the item to a date certain or the item has been considered
340 by a committee pursuant to Council Rule 8.5(b).
341

342 **5.3 Agenda Contents:** Each agenda for a regular governing body meeting
343 shall include the following:
344

- 345 • Call to order.
- 346 • Invocation.
- 347 • Pledge of allegiance.
- 348 • Mayoral Proclamations.
- 349 • Presentations. Presentations include staff reports.
- 350 • Roll Call.
- 351 • Appointments. Appointments made by the Mayor to boards and
352 commissions will be confirmed collectively by the Council. Any
353 appointment may be considered separately by request of a council
354 member, in which event the item will be moved to Action items.
- 355 • Consent agenda. The consent agenda is comprised of routine
356 matters to be approved collectively (e.g. meeting minutes, license
357 applications, claims). Any item may be considered separately by

request of a governing body member or the city manager, in which event the item will be moved to Action items.

- Action items. Action items include matters where the Council or governing body, as appropriate, takes action. (e.g. ordinances, resolutions).
- Non-action items. Non-action items include discussions, public hearings, and any other items not requiring action.
- Announcements. The city manager, mayor, and council members may offer comments regarding City business and/or bring to the attention of the public upcoming events of interest. The Clerk shall briefly summarize items that are on the agenda for the next scheduled governing body meeting.
- Public comment.
- Adjournment.

5.4 Planning Department Agenda Items: Public hearings on zoning matters shall be conducted by the Planning Commission in accordance with state law. No additional public hearings shall be held by the governing body.

5.5 Opportunities to Present Information or Make Public Comment:

(a) Placement on Agenda; Time Limitation (Presentations):

- (1) The City Manager shall include any presentations to be made during a regular governing body meeting at the time he or she creates the agenda, in accordance with Section 5.1 above.
- (2) Any individual(s) making a presentation to the governing body will be limited to eight (8) minutes, with no extensions; provided, however, that question/answer dialogue or discussion with the governing body members will not be counted towards this eight (8) minute time limitation.

(eb) Sign-Up; Time Limitation (Public Comment):

- (1) Members of the public desiring to comment during a regular governing body meeting must notify the City Clerk by 5:00 p.m. on the day of the governing body such meeting, or sign up at the such meeting before 6:00 p.m.
- (2) Members of the public desiring to comment during a special governing body meeting should notify the City Clerk at least one hour prior to the time such meeting is scheduled to begin, as set out in the corresponding meeting notice.

Comment [LR1]: Previously first sentence of Section 5.5(c).

(3) The requirement to notify the City Clerk will not apply to public hearings required by any state or federal law.

Comment [LR2]: Previously last sentence of Section 5.5(c).

(4) Members of the public will be limited to ~~four~~five (45) minutes of comment during any regular or special governing body meeting, with no extensions unless the governing body, by majority vote, extends the limitation; provided, however, that, ~~Debate,~~ question/answer dialogue or discussion with governing body members will not be counted towards this ~~four~~five (45) minute time limitation.

Comment [LR3]: Previously, middle two sentences of Section 5.5(c).

(~~b~~c) Public comment on an specific agenda item: Comments from ~~M~~members of the public ~~may comment~~ concerning a specific agenda item will be heard at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by an ~~affirmative~~ vote of six (6) or more members of the governing body.

(~~a~~d) General public comment: Requests by members of the public to speak during the public comment portion of ~~the~~a regular governing body meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Comments pertaining to personnel and litigation matters shall not be allowed. Further, public comment shall be limited to topics directly relevant to business of the governing body. ~~Rules of decorum as provided in these rules will be observed.~~

(~~e~~) The rules of decorum provided in Rule 9 shall be observed during any and all public comment.

5.6 Adjournment: Adjournment from a regular governing body meeting shall occur no later than the hour of 10:00 p.m. or as shall be announced by the chair at the conclusion of business. Meetings may be continued beyond the hour of 10:00 p.m. only when approved by a majority of members present.

6. RULES OF ORDER

6.1 Questions Related to Agenda Items: The Governing Body shall direct questions related to any agenda item to the City Manager, who shall either answer the question or call upon the appropriate staff member to answer the question.

449 | **6.21 Governing Procedure:** "Roberts Rules of Order Revised" shall govern
450 the proceedings, except as provided below and unless they are in conflict
451 with these rules.
452

453 | **6.32 Motions:** ~~Generally speaking, actions shall be indicated by a vote of the~~
454 ~~members present at each meeting after motions have been made and~~
455 ~~seconded.~~ Except as otherwise provided by ordinance, statute or these
456 rules, the following rules shall apply to motions:
457

458 | ~~(a) To Dispose of a Matter with Affirmative or Negative Action. In order~~
459 ~~to dispose of a matter with affirmative or negative action, the~~
460 ~~following motions shall be in order:~~
461

462 | ~~(1) "To approve" a specific recommendation or proposal.~~

463 | ~~(2) "To disapprove" a specific recommendation or proposal.~~

464 | ~~(3) "To request" a specific action.~~

465 | ~~(4) "To direct" a specific action.~~
466
467

468 | **(ba)** *To Amend a Motion.* The purpose of a motion to amend is to retain
469 the original motion but with a few changes accomplished by
470 deleting or adding verbiage. A motion shall be amended only once
471 before a vote has been taken. Treatment of amendments will
472 depend upon timing. More specifically:
473

474 | (1) After a motion has been made and seconded, but before the
475 Chair states the motion – any suggested modifications will
476 require the consent of the two individuals who made and
477 seconded the motion.
478

479 | (2) After the Chair states the motion – members of the
480 governing body may propose amendments without such
481 consent.
482

483 | **(eb)** *To Defer.* Consideration of any ordinance, resolution or other
484 matter on a meeting agenda may be deferred for up to six (6)
485 months. The deferral date may be amended by the approval of a
486 motion establishing a new date for consideration of the item. The
487 new date for consideration shall be no sooner than the next
488 governing body meeting following approval of the motion.
489

490 | **(ec)** *To Refer.* Such action shall be appropriate in connection with
491 investigation and report (e.g. refer a matter to a committee).
492
493
494

(ed) *To Substitute a Motion.* The purpose of a substitute motion is to offer a different approach to the subject matter. It is different from a motion to amend because a motion to amend seeks to retain the original motion with a few changes (usually accomplished by deleting or adding verbiage). Substitute motions cannot be used for purposes of confusing the issue and cannot be contrary to the original motion.

A motion "to substitute" shall be in order providing that the substitute motion shall be made immediately after the original motion has been made and seconded and before a vote has been taken. Substitute motions shall be made only once and shall be debatable providing the original motion was a debatable motion.

(fe) *To Suspend a Rule.* In order to temporarily suspend any particular rule for a particular purpose not contrary to statute or city ordinance, a motion "to suspend" a rule shall be in order. Suspension of a rule shall be approved by a two-thirds (2/3rds) ~~majority vote~~ of the governing body (seven (7) or more), shall take effect for the particular rule in question and shall not be considered as a permanent suspension of a rule.

(gf) *To Reconsider a Motion/Item.* Any motion to reconsider must be made by a person who voted on the prevailing side of the motion to be reconsidered. Except as provided below, an item previously acted upon may not be reconsidered until six (6) months has elapsed since the previous action. This limitation shall apply to any matter upon which a vote was taken, including the consideration of ordinances or resolutions which repeal, in their entirety, previously adopted ordinances or resolutions. These limitations on reconsideration shall not apply to the following:

- (1) A motion to reconsider the matter that is adopted during the same meeting as the initial action.
- (2) Reconsideration is needed to correct a typographical or legal error in the original item, or if the new item amends or differs in a substantive manner from the previously adopted or considered item.
- (3) Reconsideration is otherwise allowed by statute or law.

(hg) *Calling the Question.* A call for the question, if seconded, shall immediately end all debate and discussion, and, if ~~passed~~approved by a two-thirds (2/3rds) vote of the governing body (seven (7) or more), the current motion must be voted on without delay; provided however, that the call of the question shall not be implemented until

all members of the governing body have had an opportunity to speak to the current motion. After the formal vote has been taken, all further discussion of the matter shall cease unless appropriate affirmative action follows to place the matter again for reconsideration.

- (ih) *To Adjourn a Meeting.* When it appears that there is not further business, the chair may adjourn the meeting. Alternatively, a motion "to adjourn" shall be in order providing such motion is made at the ordinary or usual conclusion of business on the agenda and providing that motions to adjourn shall not be used to embarrass, to harass, to foreclose discussion and debate, or for any other purpose other than the orderly termination of proceedings at such times as may be appropriate in each particular meeting.

7. ORDINANCES AND RESOLUTIONS

7.1 Preparation:

- (a) Ordinances and resolutions shall be prepared by the city attorney or designee upon request by the city manager. In keeping with TMC Section A2-28(c), which prohibits governing body members from giving orders to staff, any requests by members of the governing body for preparation of ordinances or resolutions shall be directed to the city manager.
- (b) All ordinances and resolutions shall address fiscal impacts, if any, and identify funding sources.

7.2 Input from the Governing Body: Each member of the governing body is entitled to ask questions or offer comments or proposed revisions related to any item included as part of a governing body meeting agenda. If reasonably possible, governing body members are encouraged to submit their questions, comments and proposed revisions to the city manager by 8:00 a.m. on the Monday immediately preceding the regular governing body meeting at which the item will be discussed or initially considered to assist with moving the item forward in a more timely fashion, (avoiding unnecessary delay and/or deferrals).

7.32 Consideration:

- (a) Recording of Votes. All votes shall be reported in the minutes.
- (b) Manner of Voting. When any vote is called, each member shall indicate the member's vote by utilizing a device that displays the vote or abstention. No member shall vote in absentia. A member

588 must be physically present at the time a vote is called in order for
589 the member to vote.

- 590
591 (c) Notice. No action shall be taken on any ordinance or resolution
592 unless the item has been provided to the governing body at least
593 five days prior to a meeting. This restriction shall not apply to
594 ordinances or resolutions that (1) have no administrative impact;
595 and (2) no fiscal impact greater than \$5,000.00.
596

597 | **7.43 Numbering:** Upon passage, a number shall be assigned to each
598 ordinance or resolution by the city clerk.
599

600 **8. COMMITTEES**

601
602 **8.1 Purpose:** The orderly and timely transactions of the city government shall
603 be better served by having in place a committee framework whereby
604 resolution of certain issues may be developed prior to consideration by the
605 governing body. The committee framework shall include the use of
606 standing committees and special committees.
607

608 **8.2 Standing Committees:**

- 609
610 (a) The governing body shall have the following four (4) standing
611 committees, each comprised of three (3) members of the council:
612

- 613 • Policy and Finance.
614 | • ~~Social Service GrantsEconomic and Community~~
615 | ~~Development.~~
616 • Public Health and Safety.
617 • Transient Guest Tax.
618

- 619 (b) Appointment. The deputy mayor shall appoint the members to
620 each standing committee referenced in subsection (a) above and
621 shall make a reasonable effort to stagger terms for the purpose of
622 establishing familiarity and continuity from year to year.
623 Appointments shall be made by the first meeting in February. Each
624 councilmember shall fill out a committee preference list for a
625 standing committee and the deputy mayor shall make every effort
626 to appoint councilmembers to the committee of their choice.
627

- 628 (c) Term. Councilmembers who are appointed to any standing
629 committee referenced in subsection (a) above shall serve on their
630 assigned committees for a one (1) year term. Councilmembers
631 who wish to change committee assignments may do so with
632 permission from the deputy mayor. Each standing committee shall
633 elect the chair from among its members.

8.3 Special Committees:

- (a) Special committees may be established when there is an issue that needs special focus and would be better handled outside standing committees. Special committees may be created by a ~~majority~~ of six (6) or more members of the governing body. Any proposition addressed to the establishment of a special committee must state tasks and the time period in which the committee should complete its assignment.
- (b) The deputy mayor shall appoint the members of any special committee. The chair shall be designated by committee members.

8.4 Duties and Powers of Committees:

- (a) It shall be the duty of the committees to act promptly and faithfully in all matters referred to them. This does not preclude standing committees from considering other matters within the scope of their duties.
- (b) All committees shall have the power to hold hearings and request production of records relating to any subject within its jurisdiction. Standing committees may appoint subcommittees from their committee membership.

8.5 Procedure for Committee Items:

- (a) Reference to Committee; Initiation by Committee.
 - (1) Any item may be referred to a committee by a ~~majority~~ of six (6) or more members of the governing body. The governing body may set a fixed date for the committee to report back to the governing body.
 - (2) The examination of any subject can be initiated by a committee chair or by majority vote of the committee.
- (b) Committee Action. A committee may take any of the following actions:
 - (1) Recommend approval of the item.
 - (2) Recommend approval, with amendments.
 - (3) Recommend that the item not be approved.

- (4) Make no recommendation (no second means no recommendation).
- (c) Committee Action Deadline. Each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. Although the committee shall make every reasonable effort to act upon the item prior to expiration of the established deadline or ninety (90) calendar days, if this is not possible then the item shall be placed on an agenda for purposes of allowing the committee chair to provide an update regarding the committee's progress.
- (d) Placement on Governing Body Meeting Agenda.
- (1) An item *referred to* and considered by a committee pursuant to section 8.5(a)(1) shall be placed on a regular governing body meeting agenda as an action item and the chairperson or designee shall report to the governing body.
- (2) An item *initiated* and considered by a committee pursuant to section 8.5(a)(2) may be placed on a regular governing body meeting agenda as an action item and the chairperson or designee may report to the governing body.

8.6 Quorum: In order to meet and take action, a majority of the committee members must be present.

8.7 Alternate Members of Committees: If a member of a committee cannot be present at a meeting, an alternate council member may be appointed to serve at that meeting, with full voting rights. The alternate shall be appointed by one of the following individuals, listed in order of priority:

- (a) The absent committee member.
- (b) The committee chair.
- (c) The deputy mayor.

8.8 Committee Meeting Times: Each committee shall meet as needed. Meetings may be called by the committee chair or by action of the committee. The city manager shall be notified of committee meetings at least twenty-four (24) hours in advance of any meeting. Any request for resource staff will be included in the notification. Council staff shall notify the city clerk of the time, place, and agenda at least twenty-four (24) hours in advance of the meeting. The city clerk shall post the notification to the city web site upon notification by Council staff.

- 728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
- 8.9 Agenda Preparation:** The chair shall be responsible for establishing the agenda for each committee meeting. Members desiring an item to be placed on the agenda should contact the chair directly or through the council staff.
- 8.10 Minutes:** Minutes shall be kept of each meeting. Minutes are defined as an overview of the proceedings, to include those in attendance, a brief summary of the issues discussed and a record of the action(s) taken (including the result of any vote(s) taken). Minutes shall be reviewed and approved by the committee at a subsequent meeting. However, in the event that the committee will not meet within the next thirty (30) days, the chairperson may approve the minutes if there are no objections or changes from other committee members. In the event of objections or changes, the committee shall meet to discuss and take action.
- 8.11 Public Comment:** Public comment may be allowed on any matter on a committee agenda, at the discretion of the chairperson. All rules of decorum and conduct for comment established by these Rules and Procedures shall be applicable to public speakers.
- 8.12 Committee Expenses:** No committee shall incur any expense without having been authorized by a vote of six (6) or more members of a majority of the governing body.
- 8.13 Rules Applicable:** These Rules and Procedures shall apply to committees unless inconsistent with this section.
- 8.14 Television Coverage:** Except as otherwise provided, the public portions of any committee meeting shall be televised, subject to budget constraints or technical difficulties.

760 | **9. RULES OF DECORUM~~CITIZEN INPUT~~**

- 761
762
763
764
765
766
767
768
769
770
771
772
773
- 9.1 ~~Manner of Procedure for~~ Addressing the Governing Body:** Each person shall step up to the microphone and shall state his or her name in an audible tone or voice for the record. All remarks shall be addressed to the governing body as a whole and not to any individual member thereof. No person, other than members of the governing body and the person who hasing the floor, shall be permitted to enter into any discussion, either directly or through the members. Any questions asked by the person who hasing the floor or by governing body members shall be allowed at the sole discretion of the meeting chair.
- 9.2 ~~Personal and Slanderous Remarks~~ Respectful Communication:** The following behavior will not be tolerated from members of the public,

governing body or staff: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud speech, or repetitious speeches or debate, or speeches so disruptive of proceedings that the legislative process is substantially interrupted. Any individual engaging in this type of behavior will be warned once by the chair and if the behavior continues, the speaker will be ordered to leave the podium or dais. If necessary, the speaker will be escorted to a seat in the council governing body chambers, or escorted from the chambers if such person persists in interfering with the ability of the governing body to reasonably carry out its functions. Members of the public, governing body and staff are expected to treat one another with respect.

- 9.3 Communication with the Governing Body:** Nothing in these Rules and Procedures shall be construed to limit a person's ability to contact members of the governing body outside of a regular, special or committee meeting.

10. SUSPENSION AND AMENDMENT OF RULES

- 10.1 Suspension of These Rules:** Any provision of these rules not governed by the city charter or city code may be temporarily suspended by a two-thirds (2/3rds) vote of the governing body, (seven (7) or more). The vote on any such suspension shall be included in the record.
- 10.2 Amendment of These Rules:** These rules may be amended, or new rules adopted, by a ~~majority~~ of six (6) or more members of the governing body, provided that the proposed amendments or new rules shall have been considered at a governing body meeting.

City of Topeka Governing Body Rules and Procedures

Adopted February 20, 2018

TABLE OF CONTENTS

1.	AUTHORITY	4
1.1	Charter.....	4
2.	GENERAL RULES	4
2.1	Meetings to be Public	4
2.2	Quorum	4
2.3	Record of Proceedings.....	4
2.4	Right of Floor.....	4
2.5	Duties of City Manager Relative to Governing Body.....	4
2.6	Duties of City Attorney Relative to Governing Body.....	5
2.7	Duties of City Clerk Relative to Governing Body	6
2.8	Officers and Employees	6
2.9	Rules of Order	6
2.10	Television Coverage	6
2.11	Seating During Meetings.....	6
3.	TYPES OF MEETINGS.....	6
3.1	Regular Governing Body Meetings	6
3.2	Special Governing Body Meetings.....	7
3.3	Committee Meetings	7
3.4	Attendance of Media at Meetings	7
4.	CHAIR AND DUTIES.....	7
4.1	Chair	7
4.2	Call to Order	8
4.3	Preservation of Order	8
4.4	Point of Order	8
4.5	Questions to be Stated	8
5.	GOVERNING BODY MEETING AGENDAS.....	8
5.1	Preparation and Circulation.....	8
5.2	Addition and Removal of Items from the Agenda	9
5.3	Agenda Contents	9
5.4	Planning Department Agenda Items	9
5.5	Public Comment.....	10
5.6	Adjournment.....	10
6.	RULES OF ORDER	10
6.1	Governing Procedure	10
6.2	Motions.....	10
7.	ORDINANCES AND RESOLUTIONS	13
7.1	Preparation	13
7.2	Consideration	13
7.3	Numbering	13

8.	COMMITTEES	13
8.1	Purpose	13
8.2	Standing Committees	14
8.3	Special Committees	14
8.4	Duties and Powers of Committees	14
8.5	Procedure for Committee Items	15
8.6	Quorum	16
8.7	Alternate Members of Committees	16
8.8	Committee Meeting Times.....	16
8.9	Agenda Preparation	16
8.10	Minutes.....	16
8.11	Public Comment.....	17
8.12	Committee Expenses	17
8.13	Rules.....	17
8.14	Television Coverage	17
9.	CITIZEN INPUT	17
9.1	Manner of Addressing the Governing Body	17
9.2	Personal and Slanderous Remarks.....	17
9.3	Communication with the Governing Body	17
10.	SUSPENSION AND AMENDMENT OF GOVERNING BODY RULES.....	18
10.1	Suspension of These Rules	18
10.2	Amendment of These Rules.....	18

1. AUTHORITY

- 1.1 Charter:** TMC §A2-30 provides that the governing body may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the governing body and until such time as they are amended or new rules adopted in the manner provided by these rules.

2. GENERAL RULES

- 2.1 Meetings to be Public:** All meetings of the governing body shall be open to the public, except for executive sessions as provided for by state statute. Persons attending meetings shall turn off or mute any device or instrument capable of emitting an audible sound or tone before entering the meeting room.
- 2.2 Quorum:** Six members of the governing body shall constitute a quorum and be necessary for the transaction of business
- 2.3 Record of Proceedings:** An account of all proceedings of the governing body shall be kept by the city clerk and shall constitute the official record.
- 2.4 Right of Floor:** Any member desiring to speak shall be recognized by the meeting chair, and shall confine his or her remarks to the subject under consideration or the one to be considered.
- 2.5 Duties of City Manager Relative to Governing Body:**
- (a) The members of the governing body and the city manager shall observe scrupulously the relationship and the respective authorities and responsibilities of each as provided by the statutes, city ordinances, governing body rules or procedure and the ethics of good conduct. Generally speaking, the governing body shall act as a policy-making body only except as specifically provided otherwise by statute and the city manager shall act as the administrative head of the city. The governing body shall delegate to the city manager all administrative duties not specifically required by statute to be performed by the governing body. No member of the governing body shall interfere directly with the conduct of any municipal department. All instructions or direction to the city manager shall come from the governing body after approval of a majority (six) of the members. The city manager shall disregard any other instructions or directions and shall refer them to the governing body as a whole. Requests for routine information may be made to the city manager, department heads or their designees by individual councilmembers or the mayor, but all requests for lengthy or

detailed reports shall be made only to the city manager. Except for the assistant to the Council, no instructions or directions shall be given by any member of the governing body to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the governing body for such action as may be appropriate in each individual case. Notwithstanding this subsection (a), when the city manager delegates a specific task to a particular staff member(s), including staffing a committee, direct communication may occur between council members and that staff member(s).

- (b) The city manager shall act as the administrative head of the city and in such capacity shall direct the affairs of the city within the limits of the budget, the policies established by the governing body and the requirements of the statutes. The city manager or a designee shall attend all meetings of the governing body unless excused by a majority of the governing body. The city manager shall prepare and submit the annual budget to the governing body, shall keep the governing body advised as to the financial condition and requirements of the city and shall make recommendations on all matters concerning the welfare of the city. The city manager shall have no vote in the public meetings of the governing body and shall refrain from attempting to establish policy except to make recommendations to the governing body. The city manager shall observe the highest standard of ethics of the city manager profession. The city manager shall consult with the governing body on matters pertaining to the affairs of the city.

2.6 Duties of City Attorney Relative to Governing Body:

- (a) The city attorney or a designee shall attend all meetings of the governing body. He or she shall draft or cause to be drafted all ordinances, resolutions, contracts, releases, agreements and other instruments pertaining to legal actions of the city which shall have been approved as to form and legality by the city attorney or a designee before presentation to the governing body. When requested by any member of the governing body, the city attorney shall furnish an opinion, either written or oral as may be appropriate in each case, concerning parliamentary rulings, interpretations of governing body rules of procedure and opinions as to legality of matters under consideration. The city attorney is the chief legal advisor to the city through its governing body, as a whole, as well as the city manager; but not individual residents or individual governing body members.

- (b) The city attorney shall be the parliamentarian for the governing body and shall provide advice and counsel to the meeting chair on all interpretations of the rules and procedures for the conduct of meetings. However, the meeting chair shall rule on all such matters, as provided by Rule 4.4.

2.7 Duties of City Clerk Relative to Governing Body: The City Clerk or a designated representative shall attend all meetings of the governing body; keep the official record (minutes); tally the votes taken; announce the votes both for and against; and perform such other duties as may be requested.

2.8 Officers and Employees:

- (a) Notwithstanding TMC A2-54, which gives the city manager the power to appoint, discipline and remove any employee in accordance with City personnel policies, the mayor and council members may provide input to the city manager regarding the employment and evaluation of the assistant to the mayor and assistant to the council, respectively.
- (b) When there is pertinent business from their departments on the agenda, department heads or their designees shall attend such meetings upon request of the city manager.

2.9 Rules of Order: "Roberts Rules of Order Revised" shall govern the proceedings of the governing body in all cases, unless they are in conflict with these rules.

2.10 Television Coverage: Except as otherwise provided herein, the public portions of governing body meetings shall be televised live, subject to budget constraints or technical difficulties.

2.11 Seating During Meetings: The council shall be seated in council district order for meetings pursuant to TMC § 2.15.020.

3. TYPES OF MEETINGS

3.1 Regular Governing Body Meetings: The governing body shall meet in the governing body chambers for regular meetings and call such meetings in accordance with applicable provisions of the City Charter, TMC Chapter 2.15 and these Governing Body Rules.

3.2 Special Governing Body Meetings:

- (a) Special meetings may be called by the city manager, the mayor or by four (4) or more members of the council.
- (b) The call for a special meeting shall be submitted to the city clerk, except an announcement of a special meeting during any meeting at which a quorum of members are present shall be sufficient notice of such special meeting.
- (c) The notice calling for a special meeting shall specify the day, the hour, the location and an agenda that lists the subject or subjects that will be considered during the special meeting. Only such business may be transacted at a special meeting as may be listed in the agenda that is part of the notice.
- (d) Except for emergencies, the city clerk shall provide documented notice of a special meeting to the city manager, as well as the entire governing body, and shall post the notice on the City's web site at least 24 hours prior to the meeting date and time.
- (e) The governing body may work in conjunction with staff to develop procedures to address particular issues during special meetings (i.e., budget meetings and how budget amendments will be handled, special public hearings).

3.3 Committee Meetings: Committee meetings may be held pursuant to provisions contained in Rule 8.

3.4 Attendance of Media at Meetings: All meetings of the governing body and its committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

4. CHAIR AND DUTIES

4.1 Chair:

- (a) *Mayor.* The mayor, if present, shall preside as chair at all meetings of the governing body.
- (b) *Deputy Mayor.* In the absence of the mayor, the deputy mayor shall preside. Anytime there is a need for an election of a deputy mayor, council members who have served the longest period of

time and have not previously served as deputy mayor will automatically be nominated.

- (c) *City Clerk.* In the absence of both the mayor and deputy mayor, the city clerk shall preside until a chair is elected from among the council members present.

4.2 Call to Order: The meetings of the governing body shall be called to order by the mayor or, in the mayor's absence, by the deputy mayor. In the absence of both the mayor and the deputy mayor, the meeting shall be called to order by the city clerk for the election of a temporary chair.

4.3 Preservation of Order: The chair shall preserve order and decorum, prevent attacks on personalities or the impugning of member's motives, and confine members in debate to the question under discussion. The following will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, and speeches so disruptive of proceedings that the legislative process is substantially interrupted. Any governing body member engaging in any of these will be warned once by the chair and if the behavior continues, the governing body member will be ordered to leave the council chambers and that order shall be effective after a two thirds affirmative vote of the members present. If necessary, the governing body member will be escorted from the chambers if such member persists in interfering with the ability of the governing body to reasonably carry out its functions.

4.4 Point of Order: The chair shall determine all points of order, subject to the right of any member to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the chair be sustained?"

4.5 Questions to be Stated: The chair shall state all questions submitted for a vote and announce the result.

5. GOVERNING BODY MEETING AGENDAS

5.1 Preparation and Circulation: The city manager shall create an agenda for regular governing body meetings. Each Thursday, the city clerk shall post the agendas for the next two consecutive meetings to the City's website, along with the final version of any supporting documents related to items included as part of the final agenda and all available supporting documents related to items included as part of the preliminary agenda; provided, however, that no technical difficulties would prevent this from occurring.

5.2 Addition and Removal of Items from the Agenda: Notwithstanding section 5.1, items may be added to the agenda pursuant to TMC 2.15.040, which requires an explanation for the necessity of adding the item and a majority vote of the governing body to add the item. The city manager may remove any item from the agenda if the item is not ready for consideration unless the governing body has taken action to defer the item to a date certain or the item has been considered by a committee pursuant to Council Rule 8.5(b).

5.3 Agenda Contents: Each agenda for a regular governing body meeting shall include the following:

- Call to order.
- Invocation.
- Pledge of allegiance.
- Mayoral Proclamations.
- Presentations. Presentations include staff reports.
- Roll Call.
- Appointments. Appointments made by the Mayor to boards and commissions will be confirmed collectively by the Council. Any appointment may be considered separately by request of a council member, in which event the item will be moved to Action items.
- Consent agenda. The consent agenda is comprised of routine matters to be approved collectively (e.g. meeting minutes, license applications, claims). Any item may be considered separately by request of a governing body member or the city manager, in which event the item will be moved to Action items.
- Action items. Action items include matters where the Council or governing body, as appropriate, takes action. (e.g. ordinances, resolutions).
- Non-action items. Non-action items include discussions, public hearings, and any other items not requiring action.
- Announcements. The city manager, mayor, and council members may offer comments regarding City business and/or bring to the attention of the public upcoming events of interest. The Clerk shall briefly summarize items that are on the agenda for the next scheduled governing body meeting.
- Public comment.
- Adjournment.

5.4 Planning Department Agenda Items: Public hearings on zoning matters shall be conducted by the Planning Commission in accordance with state law. No additional public hearings shall be held by the governing body.

5.5 Public Comment:

- (a) General public comment: Requests by members of the public to speak during the public comment portion of the meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Comments pertaining to personnel and litigation matters shall not be allowed. Further, public comment shall be limited to topics directly relevant to business of the governing body. Rules of decorum as provided in these rules will be observed.
- (b) Public comment on an agenda item: Members of the public may comment concerning a specific agenda item at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by an affirmative vote of six (6) members of the governing body.
- (c) Members of the public desiring to comment must notify the City Clerk by 5:00 p.m. on the day of the governing body meeting or sign up at the meeting before 6 p.m. Members of the public will be limited to four (4) minutes unless the governing body, by majority vote, extends the limitation. Debate, question/answer dialogue or discussion with governing body members will not be counted towards the four (4) minute time limitation. The requirement to notify the City Clerk will not apply to public hearings required by any state or federal law.

5.6 Adjournment: Adjournment shall occur no later than the hour of 10:00 p.m. or as shall be announced by the chair at the conclusion of business. Meetings may be continued beyond the hour of 10:00 p.m. only when approved by a majority of members present.

6. RULES OF ORDER

6.1 Governing Procedure: "Roberts Rules of Order Revised" shall govern the proceedings, except as provided below and unless they are in conflict with these rules.

6.2 Motions: Generally speaking, actions shall be indicated by a vote of the members present at each meeting after motions have been made and seconded. Except as otherwise provided by ordinance, statute or these rules, the following rules shall apply to motions:

- (a) *To Dispose of a Matter with Affirmative or Negative Action.* In order to dispose of a matter with affirmative or negative action, the following motions shall be in order:

- (1) "To approve" a specific recommendation or proposal.
 - (2) "To disapprove" a specific recommendation or proposal.
 - (3) "To request" a specific action.
 - (4) "To direct" a specific action.
- (b) *To Amend a Motion.* The purpose of a motion to amend is to retain the original motion but with a few changes accomplished by deleting or adding verbiage. A motion shall be amended only once before a vote has been taken. Treatment of amendments will depend upon timing. More specifically:
- (1) After a motion has been made and seconded, but before the Chair states the motion – any suggested modifications will require the consent of the two individuals who made and seconded the motion.
 - (2) After the Chair states the motion – members of the governing body may propose amendments without such consent.
- (c) *To Defer.* Consideration of any ordinance, resolution or other matter on a meeting agenda may be deferred for up to six (6) months. The deferral date may be amended by the approval of a motion establishing a new date for consideration of the item. The new date for consideration shall be no sooner than the next governing body meeting following approval of the motion.
- (d) *To Refer.* Such action shall be appropriate in connection with investigation and report (e.g. refer a matter to a committee).
- (e) *To Substitute a Motion.* The purpose of a substitute motion is to offer a different approach to the subject matter. It is different from a motion to amend because a motion to amend seeks to retain the original motion with a few changes (usually accomplished by deleting or adding verbiage). Substitute motions cannot be used for purposes of confusing the issue and cannot be contrary to the original motion.

A motion "to substitute" shall be in order providing that the substitute motion shall be made immediately after the original motion has been made and seconded and before a vote has been

taken. Substitute motions shall be made only once and shall be debatable providing the original motion was a debatable motion.

- (f) *To Suspend a Rule.* In order to temporarily suspend any particular rule for a particular purpose not contrary to statute or city ordinance, a motion "to suspend" a rule shall be in order. Suspension of a rule shall be approved by a two thirds (2/3rds) majority of the governing body, shall take effect for the particular rule in question and shall not be considered as a permanent suspension of a rule.
- (g) *To Reconsider a Motion/Item.* Any motion to reconsider must be made by a person who voted on the prevailing side of the motion to be reconsidered. Except as provided below, an item previously acted upon may not be reconsidered until six (6) months has elapsed since the previous action. This limitation shall apply to any matter upon which a vote was taken, including the consideration of ordinances or resolutions which repeal, in their entirety, previously adopted ordinances or resolutions. These limitations on reconsideration shall not apply to the following:
 - (1) A motion to reconsider the matter that is adopted during the same meeting as the initial action.
 - (2) Reconsideration is needed to correct a typographical or legal error in the original item, or if the new item amends or differs in a substantive manner from the previously adopted or considered item.
 - (3) Reconsideration is otherwise allowed by statute or law.
- (h) *Calling the Question.* A call for the question, if seconded, shall immediately end all debate and discussion, and if passed by two thirds (2/3rds) vote, the current motion must be voted on without delay; provided however, that the call of the question shall not be implemented until all members of the governing body have had an opportunity to speak to the current motion. After the formal vote has been taken, all further discussion of the matter shall cease unless appropriate affirmative action follows to place the matter again for reconsideration.
- (i) *To Adjourn a Meeting.* When it appears that there is not further business, the chair may adjourn the meeting. Alternatively, a motion "to adjourn" shall be in order providing such motion is made at the ordinary or usual conclusion of business on the agenda and providing that motions to adjourn shall not be used to embarrass, to

harass, to foreclose discussion and debate, or for any other purpose other than the orderly termination of proceedings at such times as may be appropriate in each particular meeting.

7. *ORDINANCES AND RESOLUTIONS*

7.1 Preparation:

- (a) Ordinances and resolutions shall be prepared by the city attorney or designee upon request by the city manager. In keeping with TMC Section A2-28(c) which prohibits governing body members from giving orders to staff, any requests by members of the governing body for preparation of ordinances or resolutions shall be directed to the city manager.
- (b) All ordinances and resolutions shall address fiscal impacts, if any, and identify funding sources.

7.2 Consideration:

- (a) Recording of Votes. All votes shall be reported in the minutes.
- (b) Manner of Voting. When any vote is called, each member shall indicate the member's vote by utilizing a device that displays the vote or abstention. No member shall vote in absentia. A member must be physically present at the time a vote is called in order for the member to vote.
- (c) Notice. No action shall be taken on any ordinance or resolution unless the item has been provided to the governing body at least five days prior to a meeting. This restriction shall not apply to ordinances or resolutions that (1) have no administrative impact; and (2) no fiscal impact greater than \$5,000.00.

- 7.3 Numbering:** Upon passage, a number shall be assigned to each ordinance or resolution by the city clerk.

8. *COMMITTEES*

- 8.1 Purpose:** The orderly and timely transactions of the city government shall be better served by having in place a committee framework whereby resolution of certain issues may be developed prior to consideration by the governing body. The committee framework shall include the use of standing committees and special committees.

8.2 Standing Committees:

- (a) The governing body shall have the following four (4) standing committees, each comprised of three (3) members of the council:
- Policy and Finance.
 - Economic and Community Development.
 - Public Health and Safety.
 - Transient Guest Tax.
- (b) Appointment. The deputy mayor shall appoint the members to each standing committee referenced in subsection (a) above and shall make a reasonable effort to stagger terms for the purpose of establishing familiarity and continuity from year to year. Appointments shall be made by the first meeting in February. Each councilmember shall fill out a committee preference list for a standing committee and the deputy mayor shall make every effort to appoint councilmembers to the committee of their choice.
- (c) Term. Councilmembers who are appointed to any standing committee referenced in subsection (a) above shall serve on their assigned committees for a one (1) year term. Councilmembers who wish to change committee assignments may do so with permission from the deputy mayor. Each standing committee shall elect the chair from among its members.

8.3 Special Committees:

- (a) Special committees may be established when there is an issue that needs special focus and would be better handled outside standing committees. Special committees may be created by a majority vote of the governing body. Any proposition addressed to the establishment of a special committee must state tasks and the time period in which the committee should complete its assignment.
- (b) The deputy mayor shall appoint the members of any special committee. The chair shall be designated by committee members.

8.4 Duties and Powers of Committees:

- (a) It shall be the duty of the committees to act promptly and faithfully in all matters referred to them. This does not preclude standing committees from considering other matters within the scope of their duties.

- (b) All committees shall have the power to hold hearings and request production of records relating to any subject within its jurisdiction. Standing committees may appoint subcommittees from their committee membership.

8.5 Procedure for Committee Items:

- (a) Reference to Committee; Initiation by Committee.
 - (1) Any item may be referred to a committee by a majority vote of the governing body. The governing body may set a fixed date for the committee to report back to the governing body.
 - (2) The examination of any subject can be initiated by a committee chair or by majority vote of the committee.
- (b) Committee Action. A committee may take any of the following actions:
 - (1) Recommend approval of the item.
 - (2) Recommend approval, with amendments.
 - (3) Recommend that the item not be approved.
 - (4) Make no recommendation (no second means no recommendation).
- (c) Committee Action Deadline. Each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. Although the committee shall make every reasonable effort to act upon the item prior to expiration of the established deadline or ninety (90) calendar days, if this is not possible then the item shall be placed on an agenda for purposes of allowing the committee chair to provide an update regarding the committee's progress.
- (d) Placement on Governing Body Meeting Agenda.
 - (1) An item *referred to* and considered by a committee pursuant to section 8.5(a)(1) shall be placed on a governing body agenda as an action item and the chairperson or designee shall report to the governing body.

- (2) An item *initiated* and considered by a committee pursuant to section 8.5(a)(2) may be placed on a governing body agenda as an action item and the chairperson or designee may report to the governing body.

8.6 Quorum: In order to meet and take action, a majority of the committee members must be present.

8.7 Alternate Members of Committees: If a member of a committee cannot be present at a meeting, an alternate council member may be appointed to serve at that meeting, with full voting rights. The alternate shall be appointed by one of the following individuals, listed in order of priority:

- (a) The absent committee member.
- (b) The committee chair.
- (c) The deputy mayor.

8.8 Committee Meeting Times: Each committee shall meet as needed. Meetings may be called by the committee chair or by action of the committee. The city manager shall be notified of committee meetings at least twenty-four (24) hours in advance of any meeting. Any request for resource staff will be included in the notification. Council staff shall notify the city clerk of the time, place, and agenda at least twenty-four (24) hours in advance of the meeting. The city clerk shall post the notification to the city web site upon notification by Council staff.

8.9 Agenda Preparation: The chair shall be responsible for establishing the agenda for each committee meeting. Members desiring an item to be placed on the agenda should contact the chair directly or through the council staff.

8.10 Minutes: Minutes shall be kept of each meeting. Minutes are defined as an overview of the proceedings, to include those in attendance, a brief summary of the issues discussed and a record of the action(s) taken (including the result of any vote(s) taken). Minutes shall be reviewed and approved by the committee at a subsequent meeting. However, in the event that the committee will not meet within the next thirty (30) days, the chairperson may approve the minutes if there are no objections or changes from other committee members. In the event of objections or changes, the committee shall meet to discuss and take action.

- 8.11 Public Comment:** Public comment may be allowed on any matter on a committee agenda, at the discretion of the chairperson. All rules of decorum and conduct for comment established by these Rules and Procedures shall be applicable to public speakers.
- 8.12 Committee Expenses:** No committee shall incur any expense without having been authorized by a vote of a majority of the governing body.
- 8.13 Rules:** These Rules and Procedures shall apply to committees unless inconsistent with this section.
- 8.14 Television Coverage:** Except as otherwise provided, the public portions of any committee meeting shall be televised, subject to budget constraints or technical difficulties.

9. CITIZEN INPUT

- 9.1 Manner of Addressing the Governing Body:** Each person shall step up to the microphone and shall state his or her name in an audible tone or voice for the record. All remarks shall be addressed to the governing body and not to any member thereof. No person, other than members of the governing body and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members. Any questions asked by the person having the floor or by members shall be allowed at the sole discretion of the meeting chair.
- 9.2 Personal and Slandorous Remarks:** The following will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, or speeches so disruptive of proceedings that the legislative process is substantially interrupted. Any individual engaging in this type of behavior will be warned once by the chair and if the behavior continues, the speaker will be ordered to leave the podium. If necessary, the speaker will be escorted to a seat in the council chambers, or escorted from the chambers if such person persists in interfering with the ability of the governing body to reasonably carry out its functions.
- 9.3 Communication with the Governing Body:** Nothing in these Rules and Procedures shall be construed to limit a person's ability to contact members of the governing body.

10. *SUSPENSION AND AMENDMENT OF RULES*

- 10.1 Suspension of These Rules:** Any provision of these rules not governed by the city charter or city code may be temporarily suspended by a two thirds (2/3rds) vote of the governing body. The vote on any such suspension shall be included in the record.
- 10.2 Amendment of These Rules:** These rules may be amended, or new rules adopted, by a majority vote of the governing body, provided that the proposed amendments or new rules shall have been considered at a governing body meeting.