



City Council Chambers 214 SE 8th
Street, 2nd Floor Topeka KS 66603
<https://www.topeka.org>

Governing Body Agenda

December 21, 2021
6:00 PM

Public Comment Allowed via Zoom or In-Person. Due to the recent increase of COVID-19 cases Face
Masks are Required

Mayor: Michelle De La Isla

Councilmembers

Karen A. Hiller	District No. 1	Hannah Naeger	District No. 6
Christina Valdivia-Alcala	District No. 2	Neil Dobler	District No. 7
Sylvia E. Ortiz	District No. 3	Spencer Duncan	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: Public comment for the December 21st meeting will be available via Zoom or in-person. Due to the recent increase of COVID-19 pandemic cases face masks are required. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on December 21st after which the City Clerk's Office will provide Zoom link information and protocols prior to the November 16th meeting. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

Written public comment may also be considered to the extent it is personally submitted at the December 21st meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before December 21st for attachment to the meeting minutes.

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 by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. SERVICE RECOGNITION:

Mayor Michelle De La Isla
Councilmember Michael Padilla

3. APPOINTMENTS:

A. Board Appointment - Topeka Tourism Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the reappointment of Kelsey Savage to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023.

B. Board Appointment - Downtown Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the reappointment of James Parrish to the Downtown Business Improvement District Advisory Board for a term ending December 31, 2023.

C. Board Appointment - Board of Electrical Appeals

BOARD APPOINTMENT recommending the reappointment of Robert Bausch to the City of Topeka Board of Electrical Appeals for a term ending December 31, 2023. *(Council District No. 5)*

D. Board Appointment - Topeka Sustainability Advisory Board

BOARD APPOINTMENT recommending the appointment of Kelly Magerkurth to the Topeka Sustainability Advisory Board for a term ending December 22, 2023. *(Council District No. 6)*

4. PRESENTATIONS:

- (1) Service Recognition & Special Thank You from Topeka Public Schools**
- (2) 2021 Stephanie Mott Award**
- (3) Presentation of Mayoral Coin to COVID Incident Response Team**

5. CONSENT AGENDA:

A. Resolution: Initiating Eminent Domain Proceeding (NW Tyler Street Improvement; Lyman to Paramore)

RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire easements for a street and utility improvement project at NW Tyler Street (Lyman to Paramore) Project Nos. T-701019.00; 701034.00

(Approval will authorize the City Engineer to survey property necessary for the project.)

B. Resolution: Initiating Eminent Domain Proceedings (SW 12th Street Project)

RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire easements for a street improvement project at SW 12th Street - Project No. T-701016.00

(Approval will authorize the City Engineer to survey property necessary for the project.)

C. Resolution: Initiating Eminent Domain Proceeding (SE California - 37th to 45th)

RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire property for a street improvement project at SE California (37th to 45th)(Project No. T-701021.00)

(Approval will authorize the City Engineer to survey property necessary for the project.)

D. Ordinance - Removal of Properties from Dynamic Core TIF District

ORDINANCE introduced by City Manager Brent Trout removing certain real property from the Dynamic Core Redevelopment District.

(Approval would authorize the removal of properties located at 304 SW Van Buren, 921 S. Kansas Avenue, and 822-824 S. Kansas Avenue from the Dynamic Core Redevelopment District, which makes them eligible for participation in the Neighborhood Revitalization Program.)

E. MINUTES of the regular meeting of December 14, 2021

F. APPLICATIONS:

6. ACTION ITEMS:

A. Approval - Governing Body Rules and Procedure Amendments

APPROVAL of amendments to the Governing Body Rules and Procedures. *(The Policy and Finance Committee recommended approval by a vote of 3-0-0 on December 3, 2021)*

Voting Requirement: At least seven (7) votes of the Governing Body is required.

(Amendments address electronic participation, quorum requirements when participating remotely and changing the parameters of certain motions.)

B. Approval - City of Topeka Digital Equity and Inclusion Statement of Commitment - Public Health and Safety Committee

APPROVAL of the City of Topeka Digital Equity and Inclusion Statement of Commitment as recommended by the Public Health and Safety Committee. *(The PHS Committee recommended approval by a vote of 3-0-0 on November 8, 2021.)*

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

(The City of Topeka will actively participate with other community partners to implement the acts

necessary to establish Digital Equity and Inclusion efforts.)

C. Resolution - 2021 General Fund Savings - Year-End Expenditures

RESOLUTION introduced by City Manager Brent Trout, authorizing the use of excess funds from the General Fund Balance.

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

(Approval would expenditure of excess General Funds in the amount of \$3,479,000.)

D. Ordinance - Compulsory Retirement Ordinance

ORDINANCE introduced by Councilmember Neil Dobler, concerning compulsory retirement, amending Chapters 2.30 and 2.35 of the Topeka Municipal Code.

Voting Requirement: At least five (5) votes of the City Council is required. The Mayor does not vote.

(Approval of the ordinance only reinstates compulsory retirement and does not make any other changes.)

E. W. Cochran Employment Agreement - Interim City Manager

APPROVAL of an employment agreement with William E. Cochran to serve as Interim City Manager for the City of Topeka, effective December 31, 2021, at 5:01 p.m. until such time as a permanent City Manager commences employment. *(This item was added to the agenda at the meeting.)*

7. NON-ACTION ITEMS:

A. Discussion - DREAMS (SORT) Proposal

DISCUSSION regarding the City of Topeka DREAMS Proposal.

(The proposal consists of hybrid model alternates yearly funding between the SORT concept (single neighborhood) and the DREAMS concept (multi-neighborhood).)

B. Discussion Item - 2022 Annual M/W/DBE Utilization Goals

DISCUSSION concerning the established annual goals for the utilization of M/W/DBE businesses as part of the objectives set forth in the TMC 3.30.460(b)(3).

(The discussion item provides an overview of the established 2022 Utilization Goals and does not make changes.)

8. PUBLIC COMMENT:

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considered to the extent it is personally submitted at the December 21st meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before December 21st for attachment to the meeting minutes. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

9. ANNOUNCEMENTS:

10. EXECUTIVE SESSION:

Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)

11. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Mayor Michelle De La Isla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka Tourism **PROJECT #:**
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Kelsey Savage to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023.

VOTING REQUIREMENTS:

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

POLICY ISSUE:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza.

STAFF RECOMMENDATION:

The Mayor recommends reappointment of Kelsey Savage to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023.

BACKGROUND:

The advisory board shall be comprised of seven members to be appointed by the Mayor with the consent of the Council. Five members shall be representatives from hotels that are current in the payment of their service fees. Two members shall be representatives from the travel and tourism industry.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

K. Savage - Topeka TBID Advisory Board Application

Profile

Kelsey

First Name

Savage

Last Name

kels.kane@gmail.com

Email Address

209 Yorkshire Drive

Street Address

Suite or Apt

Lawrence

City

KS

State

66049

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) 230-7862

Primary Phone

Home:

Alternate Phone

Which Boards would you like to apply for?

Topeka Tourism Business Improvement District Advisory Board : Submitted

Hyatt Place Topeka

Employer

Director of Sales

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:

As an active member of Topeka's hotel community and TBID advocate, I bring many years of experience to the table. I would love to be involved in conversations regarding budgeting and expenditures.

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.

Please see attached resume.

[KSavage_Resume.docx](#)

Upload a Resume

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

Voluntary Self Identification

Completion of your race/ethnicity and gender on your application is voluntary and will not affect your opportunity to be appointed to a City of Topeka Board or Commission.

Ethnicity *

☒ Caucasian/Non-Hispanic

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/>

Kelsey Lynn Savage

209 Yorkshire Drive □ Lawrence, KS 66049 □ (785) 230-7862 □ kels.kane@gmail.com

Goal-driven sales professional with more than 10 years of experience in fast-paced settings where a demand for strong organizational and time management skills are essential. Capable of building lasting business relationships through exceptional customer service and expansive knowledge of selling and detailing. Ability to coach and motivate team with positive leadership skills. Ready to expand career in the hospitality industry with a new set of challenges.

SOFTWARE SKILLS

- | | | |
|--------------------------|--------------------------|---------------------|
| • Delphi MPE | • PowerPoint & Publisher | • Demand 360/Agency |
| • ProfitSword | • Visio | 360 |
| • MarketVision | • WinPM/Opera | • IHotelier |
| • Microsoft Word & Excel | | |

PROFESSIONAL EXPERIENCE

HYATT PLACE TOPEKA

Mar. 2018 – Present

Director of Sales (Mar. 2018 - Present)

- Maximize revenues and profits to improve hotel's performance in the marketplace through coordination of group and transient bookings
- Contribute to the development of the annual strategic marketing plan, budget and monthly forecasts
- Motivate, coach, counsel and discipline sales manager
- Design and implement sales promotions to capture additional revenue during down trends
- Responsible for acquiring, retaining and growing business accounts
- Maintain working knowledge of all hotel departments including Front Desk and Food & Beverage
- Engage in local community involvement through memberships and volunteerism

CAPITOL PLAZA HOTEL AND CONVENTION CENTER, Topeka, KS

Sept. 2007 – Mar. 2018

Director of Sales (Aug. 2016 – Mar. 2018)

- Develop, coach and motivate sales and catering team of seven
- Assist sales managers with development and implementation of SMART plans
- Development monthly booking goals for sales and catering team
- Conduct and participate in daily, weekly and monthly sales and revenue meetings
- Contribute to the development of the annual strategic marketing plan, budget and monthly forecasts
- Attain revenue maximization by reviewing all booking agreements prior to being sent to clients
- Design and implement sales promotions to capture additional revenue
- Engage in local community involvement through memberships and volunteerism

Director of Event Sales (Jan. 2014 – Aug. 2016)

- Attain revenue maximization by reviewing all new pieces of catering business, room blocks less than 20 rooms, booking agreements and banquet event orders
- Develop, coach and motivate event sales team of two
- Design and implement catering promotions to capture additional revenue
- Promote teamwork and quality service through daily communication with other hotel departments
- Continue to sell and detail an open market and manage wedding market

- Requested increase of personal 2016 goal as goal had been achieved by end of Q2 2016
- Acting Director of Sales during transition to Atrium Hospitality, budget and goal setting season; late October – December 2015
- Awarded Outstanding Manager, 2nd Quarter 2016

Executive Meeting Manager (Nov. 2011 – Jan. 2014)

- Sold event space and guest room blocks within all markets and managed the wedding market
- Maintained positive business relationships with all clients to ensure total event satisfaction
- Achieved annual catering revenue goals by upselling catering menu and audio visual to clients to maximize catering revenue; 101% in 2012 and 116% in 2013
- Awarded Topeka Lodging Association Associate of the Year 2013
- Awarded Topeka Lodging Association Associate of the Year 2011
- Awarded Associated of the Month January 2012

Group Rooms Coordinator (Sept. 2007 – Nov. 2011)

- Primary resource for group block management including; building group blocks, reservations, managing block inventory, billing, pre-arrival and post checkout tasks
- Provided ongoing communication between client, sales office and other hotel departments
- Introduced a 10 day group book to communicate all group information to front office
- Created and maintained a Group Quarterly Pace Report
- Increased sell out efficiency by managing online group reservations and hotel availability
- Employee of the Month, July 2009

POTWIN PET CLINIC, Topeka, KS

Aug.

2006 – Aug. 2012

Veterinary Technician / Office Assistant (Sept. 2006 – Aug. 2012)

- Responsible for checking in and out patients including collecting payment for services and selling product
- Assisted veterinarian with medical procedures
- Performed dental cleanings, surgical preparation and vaccination draws
- Managed patient charts, product inventory and set/confirmed appointments

Kennel Technician (Aug. 2006 – Sept. 2006)

- Oversaw wellbeing of boarding animals
- Completed charts with proper medication distribution documentation
- Organized and cleaned clinic for next business day

HOLIDAY INN HOTEL AND SUITES, Mesa, AZ

Nov.

2002 – Jul. 2006

Assistant Front Office Manager (Jun. 2004 – Jul. 2006)

- Coached and scheduled a staff of 10
- Routinely was Manager On Duty during weeknight shifts
- Created and managed group blocks in Holidex
- Trained new Front Office employees

Guests Service Representative (Nov. 2003 – Jun. 2004)

- Responsible for guest check in and out including cash handling and credit card transactions
- Created reservations for both transient and group guests
- Maintained general knowledge about Holiday Inn standards and local area attractions
- Awarded Employee of the month twice in 2003 and once in 2004

PROFESSIONAL COMMITTEES AND MEMBERSHIPS

- Topeka Lodging Association 2017 – Present
 - Vice President, 2018-2020
- Junior League of Topeka, 2015 – Present
 - VP of Membership Development, 2018-2020
 - New Member Chair, 2017-2018
 - New Member Co-Chair, 2016-2017
 - Membership Committee Member, 2015-2016
- Family Service and Guidance Center, 2018 – present
 - Works of Heart Planning Committee
- Topeka Chamber of Commerce Member 2014 – Present
- Topeka Symphony League
 - Board Member, 2019
 - Auction Committee, 2014 and 2017
- Capper Foundation Auction Committee, 2014 – 2016
- YWCA Leadership Luncheon Planning Committee 2012 – 2016

EDUCATION

- Bachelors of Science in Family and Human Development, Arizona State University, 2006

PROFESSIONAL REFERENCES

Pam Evans	Katie Elwell	
Risa Flanders		
Family Service Guidance Center	Junior League of Topeka	Jobs for
America’s Graduates		
Director of Marketing & Development	Member	Director of
Strategic Advancement		
c. (785) 633-5156	c. (816) 803-9061	c. (785) 383-
4918		



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE:	December 21, 2021	
CONTACT PERSON:	Mayor Michelle De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:	Downtown Business Improvement District Advisory Board	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of James Parrish to the Downtown Business Improvement District Advisory Board for a term ending December 31, 2023.

VOTING REQUIREMENTS:

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

POLICY ISSUE:

The purpose of the Downtown Business Improvement District Advisory board (BID) is to monitor and oversee services provided pursuant to the business improvement district act. The board shall conduct its business in accordance with City Code.

STAFF RECOMMENDATION:

Mayor De La Isla nominates and recommends the reappointment of James Parrish to the Downtown Business Improvement District Advisory Board (BID) to fill an expired term ending on Dec. 31, 2023.

BACKGROUND:

This is a statutory board wherein the Mayor nominates and the Council has final approval. The Downtown Business Improvement District Advisory Board shall consist of nine members representing businesses located in the district. Members serve two-year terms and there are no term limits.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

J. Parrish DBID Reappointment Application



CITY OF TOPEKA

City of Topeka Mayor's Office
City Hall, 215 SE 7th Street Rm. 350
Topeka, KS 66603

Tel: 785-368-3895
www.topeka.org

City of Topeka Boards and Commissions Application

Profile

First Name

Last Name

Email Address

Street Address

Suite or Apt

City

State

Zip

Are you a resident of the City of Topeka?

What district do you live in?

Find your Council District: [here](#)

Primary Phone

Alternate Phone

Employer

Job Title

Which Board would you like to apply for?

Are you a registered voter?

Are you currently a full or part-time employee of the City of Topeka?

If yes, please advise in which department you work:

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

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?

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?

If yes, please explain:

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

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.

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.)

****Please include a resume or any additional information you believe may be helpful in considering your application when submitting your application.**

Voluntary Self Identification

Completion of your race/ethnicity and gender on your application is voluntary and will not affect your opportunity to be appointed to a City of Topeka Board or Commission.

Ethnicity

Gender

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

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DATE:	December 21, 2021	
CONTACT PERSON:	Mayor Michelle De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:	Board of Electrical Appeals	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Robert Bausch to the City of Topeka Board of Electrical Appeals for a term ending December 31, 2023. *(Council District No. 5)*

VOTING REQUIREMENTS:

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

POLICY ISSUE:

This board reviews applications and approves the issuance of licenses in accordance with the Code of the City of Topeka. The board is empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances, or waivers there from, provided such exceptions, variances, or waivers meet the intent of the adopted code and do not endanger life, limb, property or public welfare.

STAFF RECOMMENDATION:

Councilman Padilla nominates and Mayor De La Isla recommends the reappointment of Robert Bausch to the City of Topeka Board of Electrical Appeals for a term ending December 31, 2023. Mr. Bausch is a licensed journeyman.

BACKGROUND:

The board shall be comprised of two licensed electrical masters, two licensed journeymen, and an engineer practicing in the trade. However, the two positions designated to be filled by journeymen may be filled by licensed journeymen, licensed masters, or engineers practicing in the electrical trade.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

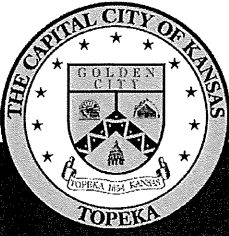
SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

R. Bausch - BEA Reappointment Application and Resume



CITY OF TOPEKA

City of Topeka Mayor's Office
City Hall, 215 SE 7th Street Rm. 350
Topeka, KS 66603

Tel: 785-368-3895
www.topeka.org

City of Topeka Boards and Commissions Application

Profile

Robert

First Name

Bausch

Last Name

Robertb@ibew226.com

Email Address

3000 sw 36th street

Street Address

Topeka

City

Suite or Apt

ks

State

66614

Zip

Are you a resident of the City of Topeka?

Yes

What district do you live in?

District 5

Find your Council District: [here](#)

785-554-7770

Primary Phone

Alternate Phone

IBEW Local Union 226`

Employer

Business Manager

Job Title

Which Board would you like to apply for?

Board of Electrical Appeals

Are you a registered voter?

Yes

Are you currently a full or part-time employee of the City of Topeka?

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?

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?

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?

No

If yes, please explain:

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

I am work in the electrical industry and I can be a voice for the 500 plus electricians I represent, that live and work in the Topeka area.

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 completed a 5 year electrical apprenticeship and have worked in the trade for over 25years.

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.)

I currently hold a Topeka Journeyman's Electrical license.

****Please include a resume or any additional information you believe may be helpful in considering your application when submitting your application.**

Voluntary Self Identification

Completion of your race/ethnicity and gender on your application is voluntary and will not affect your opportunity to be appointed to a City of Topeka Board or Commission.

Ethnicity

Gender

Caucasian/Non-Hispanic

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

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

ROBERT BAUSCH

1620 NW Gage Blvd, Topeka, KS 66618 · 785-640-8529
robertb@ibew226.com

EMPLOYMENT

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION #226 FINANCIAL SECRETARY/BUSINESS MANAGER *ELECTED POSITION*

- 1) Negotiate and enforce the Wage and Benefits Agreement between Union Members and Contractors
- 2) Leadership role on the Executive Board for the Union and Building Corporation
- 3) Manage daily issues that arise within the union office

JOURNEYMAN WIREMAN FOR 26 YEARS

COMMITTEE INVOLVEMENT

- 1) Currently President of the Northeast Kansas Building and Construction Trades Council
- 2) Currently Vice President of the Kansas State Building and Construction Trades Council
- 3) Currently serve on the Apprenticeship Committee for the Topeka Electrical Joint Apprenticeship & Training Committee
- 4) Currently serve as a Trustee for the Health & Welfare and Pension Trust
- 5) Currently serve on the Topeka Electrical Board
- 6) Currently serve on the Electrical Board of Advisers for Washburn Tech

EDUCATION

- Certification as a Journeyman Wireman after completion of the five-year apprenticeship program through the Topeka Electrical Joint Apprenticeship & Training Committee



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SECOND PARTY/SUBJECT:	Topeka Sustainability Advisory Board	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Kelly Magerkurth to the Topeka Sustainability Advisory Board for a term ending December 22, 2023. *(Council District No. 6)*

VOTING REQUIREMENTS:

Majority vote of the City Council (5). Mayor does not vote.

POLICY ISSUE:

The Topeka Sustainability Advisory Board promotes environmental awareness and advocates for policies that support sustainability specifically including, but not limited to, environmental awareness, waste reduction, recycling, energy conservation and natural resource conservation in the City of Topeka, and to enhance the quality of life by improving the City's efforts in these areas.

STAFF RECOMMENDATION:

Councilwoman Naeger nominates and Mayor De La Isla recommends the appointment of Kelly Magerkurth to the Topeka Sustainability Advisory Board for a term ending December 22, 2023.

BACKGROUND:

In accordance with City Code 2.95.020, the Sustainability Advisory Board shall consist of nine members and be residents of the City of Topeka. After the initial appointment of the board, all members shall serve two (2) year terms unless appointed to fill out an unexpired term. At least five (5) of the nine (9) board members shall be currently licensed, have a degree in, be engaged in, or have substantial past experience in the fields of environmental awareness, waste reduction, recycling, energy conservation and/or natural resource conservation or a similar field relating to the environment or conservation.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

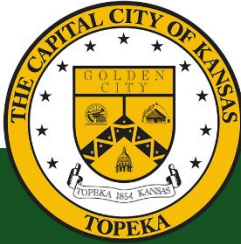
SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

K. Magerkurth - TSAB - Appointment Application



CITY OF TOPEKA

City of Topeka Mayor's Office
City Hall, 215 SE 7th Street Rm. 350
Topeka, KS 66603

Tel: 785-368-3895
www.topeka.org

City of Topeka Boards and Commissions Application

Profile

Kelly

First Name

Magerkurth

Last Name

magerpayne@cox.net

Email Address

3525 SW Avalon Lane

Street Address

Suite or Apt

Topeka

Kansas

66604

City

State

Zip

Are you a resident of the City of Topeka?

What district do you live in?

Yes

District 6

Find your Council District: [here](#)

(785)554-2691

Primary Phone

Alternate Phone

Stay-at-home-parent

Employer

Job Title

Which Board would you like to apply for?

Topeka Sustainability Advisory Board

Are you a registered voter?

Yes

Are you currently a full or part-time employee of the City of Topeka?

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?

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?

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?

No _____

If yes, please explain:

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

I have a degree in Environmental Studies from the University of Kansas and have been interested in sustainability, climate change, and conservation for as long as I can remember. I would like to make a difference in my community in regards to these issues. While I am no expert, I do have a deep passion to educate myself on these topics and act on what I know. I am hopeful that participating on the TSAB will give me an outlet to work for positive change.

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.

Environmental Studies degree from the University of Kansas 1996
Member of the Sierra Club
Member of Citizens' Climate Lobby

I have held two contracted positions within the last 10 years. One for the NOTO Community Arts Board and another for the Jayhawk Theatre. While these two positions do not relate to sustainability specifically, I was required to use my skills to create and implement ideas for these groups.

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.)

****Please include a resume or any additional information you believe may be helpful in considering your application when submitting your application.**

Voluntary Self Identification

Completion of your race/ethnicity and gender on your application is voluntary and will not affect your opportunity to be appointed to a City of Topeka Board or Commission.

Ethnicity	Gender
Caucasian	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.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE:	December 21, 2021	
CONTACT PERSON:	(1) Dr. Tiffany Anderson, Superintendent and Dr. Aarion Gray, Director of Instructional Services, Topeka Public Schools (2) Erica Garcia Babb, Vice Chair, Topeka Human Relations Commission (3) Mayor De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

- (1) Service Recognition & Special Thank You from Topeka Public Schools
- (2) 2021 Stephanie Mott Award
- (3) Presentation of Mayoral Coin to COVID Incident Response Team

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Topeka Public Schools - Letter of Gratitude - Dec 21, 2021

S. Mott Award Recipient

December 21, 2021

Dear City Council Members,

On behalf of the Topeka Public Schools District, we extend our gratitude for the partnership over the last several years through Mayor De La Isla.

Schools and communities cannot improve on their own; it is a collective effort. As we end 2021, we thank you for your partnership and for the incredible support focused on youth. As just a few examples, our students have benefited from being on the Youth Commission that Mayor De La Isla established, and many have taken on civic engagement projects impacting the district and community overall. Many of our scholars are encouraged about the future after having their voices included in addressing issues important to them in Topeka. The Mayor's encouragement of all students has been inspirational as she has attended countless school events as a guest speaker and supported events for our women student leaders in the district. Empowering our youth is critical and through Mayor De La Isla, our students can see themselves involved in civic engagement in new ways while still in school.

As we end another year in the pandemic, we especially thank you and Mayor De La Isla for the partnership in keeping people safe throughout the pandemic. In addition to attending our community events and vaccination clinics, the Mayor held regular health meetings with superintendents, which kept our district informed of issues. Additionally, despite the pandemic, her incredible work as the backbone agency helping us address homelessness through Impact Avenues has placed over 170 families in homes and we remain tremendously grateful for the partnership with the City of Topeka and all of the businesses and organizations that support Impact Avenues. The work over the last several years through Mayor De La Isla and the City Council has improved the lives of so many families and we look forward to a continued partnership in future years.

Sincerely,

A handwritten signature in black ink that reads 'Dr. Tiffany Anderson'.

Dr. Tiffany Anderson
Superintendent of Schools
Unified School District 501



CITY OF TOPEKA

Human Relations Commission
City Hall, 215 SE 7th Street
Topeka, KS 66603

Tel: 785-368-3897
www.topeka.org

For Immediate Release

Contact for further information: Nicholas Smith, Chair of the Topeka Human Relations Commission, nicholas.smith@onmail.com

December 15, 2021

Topeka Human Relations Commission Announces Mayor Michelle De La Isla as the 2021 Recipient of the Stephanie Mott Award

TOPEKA, Kan. – The Topeka Human Relations Commission (THRC) is eager to announce outgoing Topeka Mayor Michelle De La Isla as the recipient of the 2021 THRC Stephanie Mott Award. Mayor De La Isla will be presented with the award at the December 21 City Council Meeting.

The THRC Stephanie Mott Award recognizes people living in Shawnee County who have helped the THRC accomplish its mission by exemplifying the work of Stephanie Mott, who was a fearless advocate for the disenfranchised and the less fortunate in our community.

“I have served Kansas families in the non-profit, private, and public sectors during my career. However, my journey into public service was not easy,” said De La Isla. “I overcame poverty, homelessness, domestic violence, and cancer as a single mother. These experiences made me a stronger community advocate.”

“Mayor De La Isla has been a fierce and reliable advocate for the marginalized within our community,” said Commissioner Nicholas Smith, Chair of the THRC. “Mayor De La Isla’s tenure in public service is one of many examples demonstrating her commitment to cultivating a more equitable, diverse, and inclusive Topeka.”

Mayor De La Isla has been a visible and zealous advocate for equitable progress within Topeka and Shawnee County for many years, not the least of which includes her efforts to combat the COVID-19 pandemic and promote economic development.

The THRC is a nine-member Board of Commissioners appointed by the Mayor with the consent of the City Council. The mission of the THRC is to conduct outreach and educational activities that promote justice and cultural understanding and improve relationships among all citizens of Topeka. You can learn more about the current THRC Commissioners on the [City’s website](http://www.topeka.org).



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Thomas Allen, Right of Way Agent
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 002 Condemnations
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire easements for a street and utility improvement project at NW Tyler Street (Lyman to Paramore) Project Nos. T-701019.00; 701034.00

(Approval will authorize the City Engineer to survey property necessary for the project.)

VOTING REQUIREMENTS:

At least 6 votes of the Governing Body

POLICY ISSUE:

Whether to take the first step in authorizing eminent domain proceedings to acquire easements for the NW Tyler street improvement

STAFF RECOMMENDATION:

Staff recommends approval of the Resolution

BACKGROUND:

This concerns the street improvements to NW Tyler street (Lyman to Paramore) which involve a complete reconstruction to include a two-lane road surface with storm sewer, curb & gutter, water lines and sidewalks. The project requires securing four permanent easements from four property owners. Staff has been unable to purchase the easements and, therefore, it is necessary to acquire the easements by eminent domain. Passing a resolution is the first step in the process followed by an ordinance authorizing the city attorney to file the action in the district court. The court will appoint three appraisers who will determine the fair market value of the property interests. That

amount will be paid into the court by the City which will then have acquired the easements. The court will distribute the proceeds to the property owners.

BUDGETARY IMPACT:

None at this point. If eminent domain proceedings are commenced, the City will pay fair market value for the property interests as determined by three appraisers appointed by the district court.

SOURCE OF FUNDING:

Project budget

ATTACHMENTS:

Description

Resolution

(Published in the Topeka Metro News_____)

RESOLUTION NO._____

A RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire easements for a street and utility improvement project at NW Tyler Street (Lyman to Paramore) Project Nos. T-701019.00; 701034.00

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn within the corporate limits of the City of Topeka certain private property interests for reconstruction of NW Tyler Street (Lyman to Paramore), including storm sewer, curb and gutter, water lines and sidewalk and any other public purposes as are authorized by law.

Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized and directed to cause a survey to be made by some competent engineer of the private property which is necessary to be appropriated for the improvements, and such other public purposes as are authorized by law, and the City Engineer or designee, is authorized and directed to file the report of the survey, including a description of the private property and the interest to be acquired by condemnation, in the office of the City Clerk.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by Governing Body_____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Thomas Allen, Right of Way Agent
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 002 Condemnations
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire easements for a street improvement project at SW 12th Street - Project No. T-701016.00

(Approval will authorize the City Engineer to survey property necessary for the project.)

VOTING REQUIREMENTS:

At least 6 votes of the Governing Body

POLICY ISSUE:

Whether to take the first step in authorizing eminent domain proceedings to acquire temporary easements for the SW 12th street improvement

STAFF RECOMMENDATION:

Staff recommends approval of the Resolution

BACKGROUND:

This concerns the street improvements to SW 12th Street.

The project requires securing temporary easements from five property owners. Staff has been unable to purchase the easements and, therefore, it is necessary to acquire the easements by eminent domain.

Passing a resolution is the first step in the process followed by an ordinance authorizing the city attorney to file the action in the district court.

The court will appoint three appraisers who will determine the fair market value of the property interests. That amount will be paid into the court by the City which will then have acquired the easements. The court will

distribute the proceeds to the property owners.

As these are all temporary easements, they will expire one year from the date the project is completed which should be the latter of 2023 or early 2024.

BUDGETARY IMPACT:

None at this point. If eminent domain proceedings are commenced, the City will pay fair market value for the property interests as determined by three appraisers appointed by the district court.

SOURCE OF FUNDING:

Project budget

ATTACHMENTS:

Description

Resolution

(Published in the Topeka Metro News_____)

RESOLUTION NO._____

A RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire easements for a street improvement project at SW 12th Street - Project No. T-701016.00

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn within the corporate limits of the City of Topeka certain private property interests for reconstruction of SW 12th Street and any other public purposes as are authorized by law.

Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized and directed to cause a survey to be made by some competent engineer of the private property which is necessary to be appropriated for the improvements, and such other public purposes as are authorized by law, and the City Engineer or designee, is authorized and directed to file the report of the survey, including a description of the private property and the interest to be acquired by condemnation, in the office of the City Clerk.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by Governing Body_____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
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214 SE 8th Street
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www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Thomas Allen, Right of Way Agent
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 002 Condemnations
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire property for a street improvement project at SE California (37th to 45th)(Project No. T-701021.00)

(Approval will authorize the City Engineer to survey property necessary for the project.)

VOTING REQUIREMENTS:

At least six votes of the Governing Body

POLICY ISSUE:

Whether to take the first step in authorizing eminent domain proceedings to acquire easements for the SE California street improvement project

STAFF RECOMMENDATION:

Staff recommends approval of the Resolution

BACKGROUND:

This concerns the street improvements to SE California between 37th and 45th street.

The project requires securing a temporary easement from one property owner and fee simple title from an owner who is deceased. Staff has been unable to purchase the property interests and, therefore, it is necessary to acquire the interests by eminent domain.

Passing a resolution is the first step in the process followed by an ordinance authorizing the city attorney to file the action in the district court.

The court will appoint three appraisers who will determine the fair market value of the property interests. That

amount will be paid into the court by the City which will then have acquired the interests. The court will distribute the proceeds to the property owners or their estate.

BUDGETARY IMPACT:

None at this point. If eminent domain proceedings are commenced, the City will pay fair market value for the property interests as determined by three appraisers appointed by the district court.

SOURCE OF FUNDING:

Project budget

ATTACHMENTS:

Description

Resolution

(Published in the Topeka Metro News_____)

RESOLUTION NO._____

A RESOLUTION introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire property for a street improvement project at SE California (37th to 45th)(Project No. T-701021.00)

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn within the corporate limits of the City of Topeka certain private property interests for reconstruction of SE California (37th to 45th) and any other public purposes as are authorized by law.

Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized and directed to cause a survey to be made by some competent engineer of the private property which is necessary to be appropriated for the improvement, and such other public purposes as are authorized by law, and the City Engineer or designee, is authorized and directed to file the report of the survey, including a description of the private property and the interests to be acquired by condemnation, in the office of the City Clerk.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by Governing Body _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE:	December 21, 2021	
CONTACT PERSON:	Dan Warner, AICP, Planning Division Director	DOCUMENT #:
SECOND PARTY/SUBJECT:	Mary Feighny, Deputy City Attorney, Legal	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout removing certain real property from the Dynamic Core Redevelopment District.

(Approval would authorize the removal of properties located at 304 SW Van Buren, 921 S. Kansas Avenue, and 822-824 S. Kansas Avenue from the Dynamic Core Redevelopment District, which makes them eligible for participation in the Neighborhood Revitalization Program.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Properties located in the Dynamic Core Redevelopment TIF District remain eligible for participation in the Neighborhood Revitalization Plan (NRP). However, the TIF District and NRP cannot be simultaneously applied to the same parcel of real estate.

STAFF RECOMMENDATION:

Staff recommends approval of removing these properties from the Downtown TIF District so they are eligible for the NRP tax rebate.

BACKGROUND:

The three properties were approved with the 2021 tax year for participation in the Neighborhood Revitalization Program for a 10-year property tax rebate based on improvements made to the structures that were not eligible

for TIF.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

TIF District Map

(Published in the Topeka Metro News on _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout removing certain real property from the Dynamic Core Redevelopment District

WHEREAS, Ordinance No. 20228 – which establishes the Dynamic Core Redevelopment District (“District”) – requires the Governing Body to remove properties from the District that meet the criteria for a property tax rebate in accordance with a Neighborhood Revitalization Program (“NRP”); and

WHEREAS, three properties located in the District have satisfied the requirements for securing an NRP rebate; and

WHEREAS, K.S.A. 12-1771(g) authorizes the Governing Body to remove real property from a redevelopment district.

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

Section 1. The following properties are removed from the District:

304 SW Van Buren (Van Buren Street Development LLC)
921 S. Kansas (AIM Strategies LLC)
822/824 S. Kansas (Klaton Properties LLC)

Section 2. The City Clerk is directed to provide a copy of the Ordinance to the County Clerk.

Section 3. 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

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ATTEST:

Michelle De La Isla, Mayor

Brenda Younger, City Clerk

TOPEKA, KANSAS

TIF DISTRICT

8.14.2019



NE RIVER RD

17TH STREET

TOPIKA BLVD





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Councilmember **DOCUMENT #:**
Spencer Duncan, Policy
and Finance Committee
Chair
SECOND PARTY/SUBJECT: Amanda Stanley, City **PROJECT #:**
Attorney
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of amendments to the Governing Body Rules and Procedures. *(The Policy and Finance Committee recommended approval by a vote of 3-0-0 on December 3, 2021)*

Voting Requirement: At least seven (7) votes of the Governing Body is required.

(Amendments address electronic participation, quorum requirements when participating remotely and changing the parameters of certain motions.)

VOTING REQUIREMENTS:

At least seven (7) votes of the Governing Body is required.

POLICY ISSUE:

Whether to amend the Governing Body Rules to address: (1) Electronic participation in Governing Body and Council Committee meetings; (2) Quorum requirements when Governing Body members are participating remotely; (3) Changing the parameter of a Motion to Amend; (3) Changing the parameter of a Motion to Reconsider; (4) Adding a Motion to Amend Something Previously Considered; and (5) Allowing an item referred by the Governing Body to a Committee or initiated by a Committee to return to the Governing Body as either an action or discussion item. Each item was approved by the Policy and Finance Committee by a vote of 3-0-0 on December 3, 2021.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments as recommended and approved by the Policy and Finance Committee by a vote of 3-0-0 on December 3, 2021.

BACKGROUND:

In light of the need for electronic participation in Governing Body and Council Committee meetings, the Policy and Finance Committee considered amendments to allow, with certain limitations. The initial proposal was to allow electronic participation in Governing Body meetings for emergencies, disabilities and personal matters. However, the number of times for personal matters was limited to three in a calendar year, starting on January 1, 2022. Electronic participation in Committee meetings was at the discretion of the chairperson.

In conjunction with these changes, the Legal Department recommended changes that are consistent with current practice relative to motions to reconsider and motions to amend an item previously adopted or rescind prior action. Legal also recommended that items referred by the Governing Body to a Council Committee or initiated by a Committee could come back to the Governing Body as either a discussion or an action item. The changes were presented at the August 17, 2021, Governing Body meeting and referred the back to Policy and Finance Committee to consider additional changes to be discussed in the committee setting specifically as it relates to the inclusion of the public input process for online meeting forums.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Executive Summary December 16, 2021

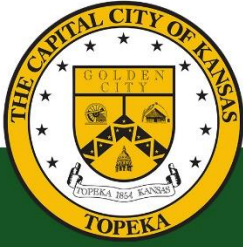
REDLINE Copy approved by the Policy and Finance Committee on December 3, 2021

CLEAN Copy approved by the Policy and Finance Committee on December 3, 2021

Redline Version Considered by the GB on August 17, 2021

Policy and Finance Committee Report (Dec 3, 2021)

Policy and Finance Committee Meeting Minutes (DRAFT) Dec 3, 2021



CITY OF TOPEKA

Legal Department
215 SE 7th Street, Room 353
Topeka, KS 66603

Amanda Stanley, City Attorney
Tel: (785) 368-3883
www.topeka.org

MEMORANDUM

To: The Governing Body
From: Amanda L. Stanley
Re: Changes to the Governing Body Rules
Date: 12/21/21

I was asked by Councilman Spencer, Chair of the Policy and Finance Committee, to prepare a brief summary of the primary changes to the Governing Body Rules from when the Rules were last presented on August 17, 2021.

The Policy and Finance made the following primary changes to the Rules as presented on August 17, 2021:

1. In Rule 2.2, the Committee chose to require 6 members of the governing body to be present in person in order to constitute a quorum for a governing body meeting. This is to ensure in the event of technical difficulties, a meeting is able to occur.
2. In Rule 2.3, the Committee chose to modify the rules for electronic participation in governing body meetings. Rather than having to receive permission from the mayor or deputy mayor to participate electronically due to an emergency, a disability, or a personal matter, each governing body member may participate electronically in three meetings a year. The governing body member must notify the mayor, city clerk, and city manager at least 24 hours in advance to allow staff adequate time to make arrangements for the voice of the remote participant to be heard by all persons. Rule 8.6 controls electronic participation for committee meetings. Members may participate electronically at the discretion of the committee chair for an unlimited number of committee meetings.
3. In Rule 6.2, language was deleted stating that a motion can be in the affirmative or the negative since there is no such thing as a negative motion under Roberts Rules. Also in Rule 6.2(b), language was deleted limiting a motion to one amendment.

The remainder of the changes, are carryover changes from the August 17, 2021 meeting. The summary of the changes presented at the August 17, 2021 meeting is included as an attachment.

Attachments: 8-17-21 Overview of Updates GB Rules

cc:

GOVERNING BODY RULES – PROPOSED AMENDMENTS

Overview of Primary Changes

I

Addition of language addressing electronic participation during Governing Body meetings

Requests to participate electronically will be considered by GB only if a quorum of the GB will be physically present.

Rule 2.2(a) – page 1/tracking doc

A GB member who wishes to participate electronically may submit the request to the Mayor or Deputy Mayor in situations involving:

--An emergency

--A disability or

--A personal matter -- limited to three meetings per calendar year for this type of situation

Rule 2.3 – page 2/tracking doc

When all members are physically present, votes will be recorded using the electronic voting board. If even one member is participating remotely, votes will be recorded by voice roll call.

Rule 2.2(d) – page 1/tracking doc

II

Addition of language to clean up motions and addition of Motion to Amend Something Previously Adopted or Rescind Action

Motion to reconsider is different from motion to amend or rescind a previous action.

Motion to Reconsider: must be made (i) by person who voted on prevailing side (ii) during the same meeting as the initial action taken. There is no 6-month wait period for a Motion to Reconsider because it is restricted to the *same meeting*.

Rule 6.3(c) – page 10/tracking doc

Motion to Amend Something Previously Adopted or Rescind Action: not restricted to the same meeting. Requires majority vote if prior notice of intent to make motion is provided; if no such notice is provided, requires two-thirds vote. There is no wait period required, but have included a 4-month wait period since a wait period was included as part of the Motion to Reconsider. This wait period can be eliminated, shortened or lengthened.

Rule 6.3(f) – page 11/tracking doc

III

Addition of language to clarify how Committee items are to be placed on Governing Body meeting agendas

The rules currently state that an issue referred to or initiated by a committee for additional consideration is to be placed on the Governing Body meeting agenda as an action item. The language has been revised to include the option of placing the item on the agenda as either an action or a discussion item.

Rule 8.5(d)(1)&(2) – page 16/tracking doc

*NOTE: Rule 8.5(d)(1)&(2) currently states that an issue referred to a committee by the Governing Body **shall** be placed on a Governing Body meeting agenda for action [or discussion if rule change is adopted]; and that an issue initiated by a committee **may** be placed on a Governing Body meeting agenda for action [or discussion if rule change is adopted]. No changes have been proposed with regard to this particular aspect of Rule 8.5(d)(1)&(2)*

IV

Addition of language addressing electronic participation during Committee meetings

The rules currently state that in order to meet and take action, a majority of the committee members must be present; but an option is provided that allow the absent committee member. The committee chair or the deputy mayor (in that order) to appoint an alternate to serve in the committee member's place with full voting rights. The ability to appoint an alternate will remain, but another option has been added. A Committee member who wishes to participate electronically may do so with approval from the Committee chair.

Rule 8.6 – page xx/tracking doc

Rule 8.7 – page 16/tracking doc

City of Topeka Governing Body Rules and Procedures

Effective Date: January, 2021

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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; Voting:

- (a) Six (6) members of the governing body present in person shall constitute a quorum and be necessary for the transaction of business. If six members are physically present, other members may be allowed to participate electronically in accordance with Section 2.3 entitled "Electronic Participation."
- (b) All actions by the governing body shall be taken by an affirmative vote of six (6) or more members, unless a greater or lesser number of votes is required by state law, city ordinance or these rules.
- (c) All actions by the council with regard to ordinances enacted pursuant to the City's home rule power (ordinary ordinances) that are subject to a mayoral veto shall be taken by an affirmative vote of five (5) or more council members.
- (d) When any vote is called, each member shall indicate his or her vote.
- (1) If all members of the governing body are physically present, they shall utilize a device that displays their vote or abstention.
- (2) If one or more member of the governing body are not physically present, but participating remotely, votes shall be taken by roll call, with the member who is called upon to vote first rotated for each vote taken.
- (e) No member shall vote in absentia or by proxy.

(f) All votes shall be reported in the minutes.

2.3 Electronic Participation: Commencing January 1, 2022, Each governing body member shall be limited each calendar year to participation by electronic means in three meetings. Any governing body who wishes to attend by electronic means shall notify the Mayor, City Clerk, and City Manager at least 24 hours in advance to allow staff adequate time to make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

2.43 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.

2.54 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.

2.65 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

90 manager delegates a specific task to a particular staff member(s),
91 including staffing a committee, direct communication may occur
92 between council members and that staff member(s).
93

- 94 (b) The city manager shall act as the administrative head of the city and
95 in such capacity shall direct the affairs of the city within the limits of
96 the budget, the policies established by the governing body and the
97 requirements of the statutes. The city manager or a designee shall
98 attend all meetings of the governing body unless excused by a
99 majority of the governing body. The city manager shall prepare and
100 submit the annual budget to the governing body, shall keep the
101 governing body advised as to the financial condition and
102 requirements of the city and shall make recommendations on all
103 matters concerning the welfare of the city. The city manager shall
104 have no vote in the public meetings of the governing body and shall
105 refrain from attempting to establish policy except to make
106 recommendations to the governing body. The city manager shall
107 observe the highest standard of ethics of the city manager
108 profession. The city manager shall consult with the governing body
109 on matters pertaining to the affairs of the city.
110

111 **2.76 Duties of City Attorney Relative to Governing Body:**

112

- 113 (a) The city attorney or a designee shall attend all meetings of the
114 governing body. He or she shall draft or cause to be drafted all
115 ordinances, resolutions, contracts, releases, agreements and other
116 instruments pertaining to legal actions of the city which shall have
117 been approved as to form and legality by the city attorney or a
118 designee before presentation to the governing body. When
119 requested by any member of the governing body, the city attorney
120 shall furnish an opinion, either written or oral as may be appropriate
121 in each case, concerning parliamentary rulings, interpretations of
122 governing body rules of procedure and opinions as to legality of
123 matters under consideration. The city attorney is the chief legal
124 advisor to the city through its governing body, as a whole, as well as
125 the city manager; but not individual residents or individual governing
126 body members.
127
- 128 (b) The city attorney shall be the parliamentarian for the governing body
129 and shall provide advice and counsel to the meeting chair on all
130 interpretations of the rules and procedures for the conduct of
131 meetings. However, the meeting chair shall rule on all such matters,
132 as provided by Rule 4.4.
133
134

2.87 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.

2.98 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.

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

2.110 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, or emergency situations.

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

3. TYPES OF MEETINGS; LOCATION

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

179 which a quorum of members are present shall be sufficient notice of
180 such special meeting.

181
182 (c) The notice calling for a special meeting shall specify the day, the
183 hour, the location and an agenda that lists the subject or subjects
184 that will be considered during the special meeting. Only such
185 business may be transacted at a special meeting as may be listed in
186 the agenda that is part of the notice.

187
188 (d) Except for emergencies, the city clerk shall provide documented
189 notice of a special meeting to the city manager, as well as the entire
190 governing body, and shall post the notice on the City's web site at
191 least 24 hours prior to the meeting date and time.

192
193 (e) The governing body may work in conjunction with staff to develop
194 procedures to address particular issues during special meetings (i.e.,
195 budget meetings and how budget amendments will be handled,
196 special public hearings).

197
198 **3.3 Committee Meetings:** Committee meetings may be held pursuant to
199 provisions contained in Rule 8.

200
201 **3.4 Attendance of Media at Meetings:** All meetings of the governing body
202 and its committees shall be open to the media, freely subject to recording
203 by radio, television, and photographic services at any time, provided that
204 such arrangements do not interfere with the orderly conduct of the
205 meetings.

206 207 **4. CHAIR AND DUTIES**

208 209 **4.1 Chair:**

210
211 (a) *Mayor.* The mayor, if present, shall preside as chair at all meetings
212 of the governing body.

213
214 (b) *Deputy Mayor.* In the absence of the mayor, the deputy mayor shall
215 preside. Anytime there is a need for an election of a deputy mayor,
216 council members who have served the longest period of time and
217 have not previously served as deputy mayor will automatically be
218 nominated.

219
220 (c) *City Clerk.* In the absence of both the mayor and deputy mayor, the
221 city clerk shall preside until a chair is elected from among the council
222 members present.

223
224 **4.2 Call to Order:** The meetings of the governing body shall be called to order
225 by the mayor or, in the mayor's absence, by the deputy mayor. In the
226 absence of both the mayor and the deputy mayor, the meeting shall be
227 called to order by the city clerk for the election of a temporary chair.
228

229 **4.3 Preservation of Order:** The chair shall preserve order and decorum,
230 prevent attacks on personalities or the impugning of member's motives, and
231 confine members in debate to the question under discussion. All rules of
232 decorum and conduct established by these Rules and Procedures, as set
233 forth in Section 5.7, shall apply. Any governing body member who violates
234 the rules of decorum will be warned by the chair and if the behavior
235 continues, the governing body member will be asked to leave the governing
236 body chambers upon a two-thirds (2/3rds) vote of the governing body
237 (seven (7) or more). If necessary, the governing body member will be
238 escorted from the chambers if such member persists in interfering with the
239 ability of the governing body to reasonably carry out its functions.
240

241 **4.4 Point of Order:** The chair shall determine all points of order, subject to the
242 right of any member to appeal to the council. If any appeal is taken, the
243 question shall be, "Shall the decision of the chair be sustained?"
244

245 **4.5 Questions to be Stated:** The chair shall state all questions submitted for
246 a vote and announce the result.
247

248 **5. GOVERNING BODY MEETING AGENDAS**

249 **5.1 Preparation and Circulation:**

250
251
252 (a) The city manager shall create an agenda for regular governing body
253 meetings. Each Thursday, the city clerk shall post the agendas for the next
254 two consecutive meetings to the City's website, along with the final version
255 of any supporting documents related to items included as part of the final
256 agenda and all available supporting documents related to items included as
257 part of the preliminary agenda; provided, however, that no technical
258 difficulties would prevent this from occurring.
259

260 (b) The agenda of any special governing body meeting shall be set by the city
261 manager and included as part of the notice calling for such meeting, as
262 prepared by the city clerk in accordance with Rule 3.2.
263

264 **5.2 Addition and Removal of Items from the Agenda:**

265

(a) Notwithstanding section 5.1, the city manager or governing body member(s) may add an item(s) may be added to a regular governing body meeting agenda pursuant to TMC 2.15.040, The item shall be introduced by the city clerk at the beginning of the meeting after which the city manager or governing body member(s) which requires shall provide an explanation for the necessity of adding the item, and The item shall only be added if its addition is approved by a vote of six (6) or more members of the governing body ~~to add the item.~~ **[See TMC 2.15.040]**

(b) The city manager may remove any item from a regular governing body meeting 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.
- Roll Call.
- Mayoral Proclamations.
- 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.
- Presentations. Presentations include staff reports.
- 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 ~~C~~council members or governing body, as appropriate, takes action. (e.g. ordinances, resolutions, directives).
- Non-action Items. Non-action items include discussions, public hearings, and any other agenda items that do not require ing action.
- Public Comment.
- 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.
- Executive Session(s) (called when needed).

- 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 Presentations and Public Comment:

- (a) Presentations: The City Manager may invite individual(s) to make a presentation to the governing body under the “Presentation” section of the agenda and discuss an appropriate time frame for such presentation; taking into consideration the subject matter involved.
- (b) Sign-Up; Time Limitation for 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 such meeting, or sign up at such meeting before 6:00 p.m.
 - (2) Members of the public desiring to comment on a special governing body meeting agenda item must 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, or sign up at such meeting prior to it start-time.
 - (3) The requirement to notify the City Clerk will not apply to public hearings required by any state or federal law.
 - (4) Members of the public will be limited to four (4) minutes of comment during any regular or special governing body meeting, unless the governing body, by a two-thirds (2/3rds) vote of the members (seven (7) or more), extends the limitation; provided, however, that question/answer dialogue or discussion with governing body members will not be counted towards the four (4) minute time limitation.
- (c) Public comment on a specific agenda item: Comments from members of the public 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 a vote of six (6) or more members of the governing body.

(d) General public comment: Requests by members of the public to speak during the public comment portion of 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. Each such individual shall be limited to addressing the governing body one (1) time and his or her comments shall be limited to topics directly relevant to business of the governing body; provided however, that comments pertaining to personnel and litigation matters shall not be allowed.

5.6 Procedure for Addressing the Governing Body: Each person shall step up to the microphone and shall state his or her name and city of residence 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 has the floor, shall be permitted to enter into any discussion, either directly or through the members. Any questions asked by the person who has the floor or by governing body members shall be allowed at the sole discretion of the meeting chair.

5.7 Rules of Decorum: 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, 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 cease his/her behavior. If necessary, the speaker will be escorted to a seat in the 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.

5.8 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.

5.9 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

398 **6.1 Questions Related to Agenda Items:** The governing body shall direct
399 questions related to any agenda item to the Mayor or the City Manager, who
400 shall either answer the question or call upon the appropriate staff member
401 to answer the question.
402

403 **6.2 Governing Procedure:** The Governing Body Rules and Procedures shall
404 govern the proceedings. "Roberts Rules of Order Revised" shall ~~govern the~~
405 ~~proceedings, except as provided below and~~ supplement the Governing Body
406 Rules and Procedures, unless they are in conflict with these rules.
407

408 **6.3 Motions:** Except as otherwise provided by ordinance, statute or these
409 rules, all motions shall require a second before such motion may be
410 considered. ~~†The following rules shall apply to motions may be used:~~
411

412 (a) ~~To Dispose of a Matter with Affirmative or Negative~~
413 ~~Action~~ Substantive Motion. ~~Motions may be either affirmative or~~
414 ~~negative~~ Only one main substantive motion may be pending on the
415 floor at any one time. It must be withdrawn or advance to a vote
416 before another substantive motion is introduced.
417

418
419 (b) *To Amend a Motion* Prior to Adoption. The purpose ~~of a motion to~~
420 ~~amend~~ is to retain the original motion but with a few changes
421 accomplished by deleting or adding verbiage. ~~A motion shall be~~
422 ~~amended only once before a vote has been taken.~~ Treatment of
423 amendments will depend upon timing. More specifically:
424

425 (1) After ~~a~~ the original motion has been made and seconded - but
426 before the Chair or the City Clerk states ~~the~~ such motion: any
427 suggested modifications will require the consent of the two
428 individuals who made and seconded the original motion (a
429 "friendly amendment").
430

431 (2) After the Chair states the motion: members of the governing
432 body may propose amendments without such consent.
433

434 (gc) ~~To Reconsider a Motion/Item.~~ A motion to reconsider can be made
435 without notice to bring back for further consideration a motion that
436 has already been voted on for the purpose of permitting correction of
437 a hasty, ill-advised or erroneous action; provided, however, that
438 Any ~~such~~ motion to reconsider must be made (i) by a person who
439 voted on the prevailing side of the motion to be reconsidered and (ii)
440 during the same meeting as the initial action was taken on the motion
441 to be reconsidered. ~~Except as provided below, an item previously~~
442 ~~acted upon may not be reconsidered until six (6) months has elapsed~~

443 since the previous action. This limitation shall apply to any matter
444 upon which a vote was taken, including the consideration of
445 ordinances or resolutions which repeal, in their entirety, previously
446 adopted ordinances or resolutions. These limitations on
447 reconsideration shall not apply to the following:

448
449 (1) ~~A motion to reconsider the matter that is adopted during the~~
450 ~~same meeting as the initial action.~~

451
452 (2) ~~Reconsideration is needed to correct a typographical or legal~~
453 ~~error in the original item, or if the new item amends or differs~~
454 ~~in a substantive manner from the previously adopted or~~
455 ~~considered item.~~

456
457 (3) ~~Reconsideration is otherwise allowed by statute or law.~~

458
459 (ed) *To Defer.* Consideration of any ordinance, resolution or other matter
460 on a meeting agenda may be deferred for up to six (6) months. The
461 deferral date may be amended by the approval of a motion
462 establishing a new date for consideration of the item. The new date
463 for consideration shall be no sooner than the next governing body
464 meeting following approval of the motion.

465
466 (de) *To Refer.* Such action shall be appropriate in connection with
467 investigation and report (e.g. refer a matter to a committee).

468
469
470 (f) *To Amend Something Previously Adopted or Rescind Action*
471 *Previously Taken.* The purpose is to enable the governing body to
472 bring back for further consideration a motion that has already been
473 voted on for the purpose of taking into account added information, or
474 a changed situation, that developed since the vote was taken. It can
475 be applied to something (e.g. bylaw, rule, policy, decision or choice)
476 that has continuing force and effect and was made or created at any
477 time(s) as the result of the adoption of one or more main motions.

478
479 (1) Voting Requirements. If the governing body member who
480 wishes to make the motion provides prior notice of his or her
481 intentions at the meeting prior to the one at which he or she
482 will be making such motion, a majority vote is required. If no
483 prior notice is given, a two-thirds (2/3rds) vote of the governing
484 body (seven (7)) or more) will be required.

485
486 (2) Wait Period. An item previously acted upon may not be
487 amended or rescinded until four (4) 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 that repeal, in their entirety, previously adopted ordinances or resolutions). This four (4) month limitation shall not apply when the amendment pertains to correcting 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) Restrictions. This motion is not in order when something has been done as a result of the vote on the main motion that is impossible to undo (e.g., when a resignation has been acted upon, the person was present or has been officially notified of the action).

(hg) To Calling the Previous Question. This motion is not debatable and requires a vote. If passed by a two-thirds (2/3rds) vote of the governing body (seven (7) or more), there shall be an immediate vote on the substantive motion. ~~A call for the question, if seconded, shall immediately end all debate and discussion and, if 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 previous 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.

~~(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.~~

--

(fh) 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) 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.

- (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 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).

7.3 Consideration:

- ~~(a) —Recording of Votes. All votes shall be reported in the minutes.~~
- (ca) 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.

- (b) Manner of Voting. When any vote is called, each member shall indicate the member's vote in the manner specifically set forth in Rule 2.2.

7.4 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 five (5) standing committees, each comprised of three (3) members of the council:

- Policy and Finance.
- Public Health and Safety.
- Public Infrastructure.
- Social Service Grants.
- 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 vote 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 vote 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 Deadlines.

(1) Each item referred to a standing 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 standing 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.

(2) Each item referred to a special committee shall be acted upon within the time period assigned, in accordance with Rule 8.3(a) above.

(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 a discussion or 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 a discussion or action item and the chairperson or designee may report to the governing body.

8.6 ~~Quorum~~ Meeting Participation; Attendance: ~~In order to meet and take action, a majority of the committee members must be present. Committee members may choose to attend committee meetings in person or by electronic communication; provided, however, that the latter option must be approved by the chairperson and there must be an arrangement for the voice of the remote participant to be heard by all persons at the primary or central meeting location.~~

8.7 ~~Alternate Members of Committees:~~ ~~If a committee 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~~

alternates 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.

8.78 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.

8.89 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.

8.910 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.

8.101 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.

8.112 Committee Expenses: No committee shall incur any expense without having been authorized by a vote of six (6) or more members of the governing body.

8.123 Rules Applicable: These Rules and Procedures shall apply to committees unless inconsistent with this section.

757 **8.1³⁴ Television Coverage:** Except as otherwise provided, the public portions
758 of any committee meeting shall be televised, subject to budget constraints.
759 ~~or~~ technical difficulties or emergencies.
760

761 **9. *SUSPENSION AND AMENDMENT OF RULES***

762

763 **9.1 Suspension of These Rules:** Any provision of these rules not governed
764 by the city charter or city code may be temporarily suspended by a two-
765 thirds (2/3rds) vote of the governing body, (seven (7) or more). The vote on
766 any such suspension shall be included in the record.
767

768 **9.2 Amendment of These Rules:** These rules may be amended on a periodic
769 basis. Review may be initiated by staff or governing body members. If
770 revisions or new rules are proposed, standard rules for agenda posting,
771 consideration and referral to committee shall apply. A vote of six (6) or more
772 members of the governing body shall be required to adopt any such
773 amendments.

City of Topeka Governing Body Rules and Procedures

Effective Date: _____, 2021

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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; Voting:

- (a) Six (6) members of the governing body present in person shall constitute a quorum and be necessary for the transaction of business. If six members are physically present, other members may be allowed to participate electronically in accordance with Section 2.3 entitled "Electronic Participation."
- (b) All actions by the governing body shall be taken by an affirmative vote of six (6) or more members, unless a greater or lesser number of votes is required by state law, city ordinance or these rules.
- (c) All actions by the council with regard to ordinances enacted pursuant to the City's home rule power (ordinary ordinances) that are subject to a mayoral veto shall be taken by an affirmative vote of five (5) or more council members.
- (d) When any vote is called, each member shall indicate his or her vote.
 - (1) If all members of the governing body are physically present, they shall utilize a device that displays their vote or abstention.
 - (2) If one or more member of the governing body are not physically present, but participating remotely, votes shall be taken by roll call, with the member who is called upon to vote first rotated for each vote taken.
- (e) No member shall vote in absentia or by proxy.

(f) All votes shall be reported in the minutes.

2.3 Electronic Participation: Commencing January 1, 2022, each governing body member shall be limited each calendar year to participation by electronic means in three meetings. Any governing body who wishes to attend by electronic means shall notify the Mayor, City Clerk, and City Manager at least 24 hours in advance to allow staff adequate time to make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

2.4 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.

2.5 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.

2.6 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

90 manager delegates a specific task to a particular staff member(s),
91 including staffing a committee, direct communication may occur
92 between council members and that staff member(s).
93

- 94 (b) The city manager shall act as the administrative head of the city and
95 in such capacity shall direct the affairs of the city within the limits of
96 the budget, the policies established by the governing body and the
97 requirements of the statutes. The city manager or a designee shall
98 attend all meetings of the governing body unless excused by a
99 majority of the governing body. The city manager shall prepare and
100 submit the annual budget to the governing body, shall keep the
101 governing body advised as to the financial condition and
102 requirements of the city and shall make recommendations on all
103 matters concerning the welfare of the city. The city manager shall
104 have no vote in the public meetings of the governing body and shall
105 refrain from attempting to establish policy except to make
106 recommendations to the governing body. The city manager shall
107 observe the highest standard of ethics of the city manager
108 profession. The city manager shall consult with the governing body
109 on matters pertaining to the affairs of the city.
110

111 **2.7 Duties of City Attorney Relative to Governing Body:**

112

- 113 (a) The city attorney or a designee shall attend all meetings of the
114 governing body. He or she shall draft or cause to be drafted all
115 ordinances, resolutions, contracts, releases, agreements and other
116 instruments pertaining to legal actions of the city which shall have
117 been approved as to form and legality by the city attorney or a
118 designee before presentation to the governing body. When
119 requested by any member of the governing body, the city attorney
120 shall furnish an opinion, either written or oral as may be appropriate
121 in each case, concerning parliamentary rulings, interpretations of
122 governing body rules of procedure and opinions as to legality of
123 matters under consideration. The city attorney is the chief legal
124 advisor to the city through its governing body, as a whole, as well as
125 the city manager; but not individual residents or individual governing
126 body members.
127
- 128 (b) The city attorney shall be the parliamentarian for the governing body
129 and shall provide advice and counsel to the meeting chair on all
130 interpretations of the rules and procedures for the conduct of
131 meetings. However, the meeting chair shall rule on all such matters,
132 as provided by Rule 4.4.
133
134

2.8 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.

2.9 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.

2.10 Rules of Order: "Roberts Rules of Order Revised" shall supplement these governing body rules and procedures, unless they are in conflict with these rules.

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

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

3. TYPES OF MEETINGS; LOCATION

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

179 which a quorum of members are present shall be sufficient notice of
180 such special meeting.

181
182 (c) The notice calling for a special meeting shall specify the day, the
183 hour, the location and an agenda that lists the subject or subjects
184 that will be considered during the special meeting. Only such
185 business may be transacted at a special meeting as may be listed in
186 the agenda that is part of the notice.

187
188 (d) Except for emergencies, the city clerk shall provide documented
189 notice of a special meeting to the city manager, as well as the entire
190 governing body, and shall post the notice on the City's web site at
191 least 24 hours prior to the meeting date and time.

192
193 (e) The governing body may work in conjunction with staff to develop
194 procedures to address particular issues during special meetings (i.e.,
195 budget meetings and how budget amendments will be handled,
196 special public hearings).

197
198 **3.3 Committee Meetings:** Committee meetings may be held pursuant to
199 provisions contained in Rule 8.

200
201 **3.4 Attendance of Media at Meetings:** All meetings of the governing body
202 and its committees shall be open to the media, freely subject to recording
203 by radio, television, and photographic services at any time, provided that
204 such arrangements do not interfere with the orderly conduct of the
205 meetings.

206 207 **4. CHAIR AND DUTIES**

208 209 **4.1 Chair:**

210
211 (a) *Mayor.* The mayor, if present, shall preside as chair at all meetings
212 of the governing body.

213
214 (b) *Deputy Mayor.* In the absence of the mayor, the deputy mayor shall
215 preside. Anytime there is a need for an election of a deputy mayor,
216 council members who have served the longest period of time and
217 have not previously served as deputy mayor will automatically be
218 nominated.

219
220 (c) *City Clerk.* In the absence of both the mayor and deputy mayor, the
221 city clerk shall preside until a chair is elected from among the council
222 members present.

223
224 **4.2 Call to Order:** The meetings of the governing body shall be called to order
225 by the mayor or, in the mayor's absence, by the deputy mayor. In the
226 absence of both the mayor and the deputy mayor, the meeting shall be
227 called to order by the city clerk for the election of a temporary chair.
228

229 **4.3 Preservation of Order:** The chair shall preserve order and decorum,
230 prevent attacks on personalities or the impugning of member's motives, and
231 confine members in debate to the question under discussion. All rules of
232 decorum and conduct established by these Rules and Procedures, as set
233 forth in Section 5.7, shall apply. Any governing body member who violates
234 the rules of decorum will be warned by the chair and if the behavior
235 continues, the governing body member will be asked to leave the governing
236 body chambers upon a two-thirds (2/3rds) vote of the governing body
237 (seven (7) or more). If necessary, the governing body member will be
238 escorted from the chambers if such member persists in interfering with the
239 ability of the governing body to reasonably carry out its functions.
240

241 **4.4 Point of Order:** The chair shall determine all points of order, subject to the
242 right of any member to appeal to the council. If any appeal is taken, the
243 question shall be, "Shall the decision of the chair be sustained?"
244

245 **4.5 Questions to be Stated:** The chair shall state all questions submitted for
246 a vote and announce the result.
247

248 **5. GOVERNING BODY MEETING AGENDAS**

249 **5.1 Preparation and Circulation:**

250
251
252 (a) The city manager shall create an agenda for regular governing body
253 meetings. Each Thursday, the city clerk shall post the agendas for the next
254 two consecutive meetings to the City's website, along with the final version
255 of any supporting documents related to items included as part of the final
256 agenda and all available supporting documents related to items included as
257 part of the preliminary agenda; provided, however, that no technical
258 difficulties would prevent this from occurring.
259

260 (b) The agenda of any special governing body meeting shall be set by the city
261 manager and included as part of the notice calling for such meeting, as
262 prepared by the city clerk in accordance with Rule 3.2.
263

264 **5.2 Addition and Removal of Items from the Agenda:**

265

(a) Notwithstanding section 5.1, the city manager or governing body member(s) may add an item(s) to a regular governing body meeting agenda. The item shall be introduced by the city clerk at the beginning of the meeting after which the city manager or governing body member(s) shall provide an explanation for the necessity of adding the item. The item shall only be added if its addition is approved by a vote of six (6) or more members of the governing body. [See TMC 2.15.040]

(b) The city manager may remove any item from a regular governing body meeting 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.
- Roll Call.
- Mayoral Proclamations.
- 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.
- Presentations. Presentations include staff reports.
- 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 members or governing body, as appropriate, takes action. (e.g. ordinances, resolutions, directives).
- Non-action Items. Non-action items include discussions, public hearings, and any other agenda items that do not require action.
- Public Comment.
- 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.
- Executive Session(s) (called when needed).
- 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 Presentations and Public Comment:

- (a) Presentations: The City Manager may invite individual(s) to make a presentation to the governing body under the “Presentation” section of the agenda and discuss an appropriate time frame for such presentation; taking into consideration the subject matter involved.
- (b) Sign-Up; Time Limitation for 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 such meeting, or sign up at such meeting before 6:00 p.m.
 - (2) Members of the public desiring to comment on a special governing body meeting agenda item must 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, or sign up at such meeting prior to its start-time.
 - (3) The requirement to notify the City Clerk will not apply to public hearings required by any state or federal law.
 - (4) Members of the public will be limited to four (4) minutes of comment during any regular or special governing body meeting, unless the governing body, by a two-thirds (2/3rds) vote of the members (seven (7) or more), extends the limitation; provided, however, that question/answer dialogue or discussion with governing body members will not be counted towards the four (4) minute time limitation.
- (c) Public comment on a specific agenda item: Comments from members of the public 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 a vote of six (6) or more members of the governing body.
- (d) General public comment: Requests by members of the public to speak during the public comment portion of 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. Each such individual shall be limited to addressing the governing body one (1) time and his or her comments shall be limited to topics directly relevant to business of the governing body; provided however, that comments pertaining to personnel and litigation matters shall not be allowed.

5.6 Procedure for Addressing the Governing Body: Each person shall step up to the microphone and shall state his or her name and city of residence 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 has the floor, shall be permitted to enter into any discussion, either directly or through the members. Any questions asked by the person who has the floor or by governing body members shall be allowed at the sole discretion of the meeting chair.

5.7 Rules of Decorum: 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, 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 cease his/her behavior. If necessary, the speaker will be escorted to a seat in the 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.

5.8 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.

5.9 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 Mayor or the City Manager, who

shall either answer the question or call upon the appropriate staff member to answer the question.

6.2 Governing Procedure: The Governing Body Rules and Procedures shall govern the proceedings. "Roberts Rules of Order Revised" shall supplement the Governing Body Rules and Procedures, unless they are in conflict with these rules.

6.3 Motions: Except as otherwise provided by ordinance, statute or these rules, all motions shall require a second before such motion may be considered. The following motions may be used:

- (a) *Substantive Motion.* Only one main substantive motion may be pending on the floor at any one time. It must be withdrawn or advance to a vote before another substantive motion is introduced.
- (b) *To Amend a Motion Prior to Adoption.* The purpose is to retain the original motion but with a few changes accomplished by deleting or adding verbiage. Treatment of amendments will depend upon timing. More specifically:
 - (1) After the original motion has been made and seconded - but before the Chair or the City Clerk states such motion: any suggested modifications will require the consent of the two individuals who made and seconded the original motion (a "friendly amendment").
 - (2) After the Chair states the motion: members of the governing body may propose amendments without such consent.
- (c) *To Reconsider.* A motion to reconsider can be made without notice to bring back for further consideration a motion that has already been voted on for the purpose of permitting correction of a hasty, ill-advised or erroneous action; provided, however, that such motion must be made (i) by a person who voted on the prevailing side of the motion to be reconsidered and (ii) during the same meeting as the initial action was taken on the motion to be reconsidered.
- (d) *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.

- 444
- 445 (e) *To Refer.* Such action shall be appropriate in connection with
- 446 investigation and report (e.g. refer a matter to a committee).
- 447 (f) *To Amend Something Previously Adopted or*
- 448 *Rescind Action Previously Taken.* The purpose is to enable the
- 449 governing body to bring back for further consideration a motion that
- 450 has already been voted on for the purpose of taking into account
- 451 added information, or a changed situation, that developed since the
- 452 vote was taken. It can be applied to something (e.g. bylaw, rule,
- 453 policy, decision or choice) that has continuing force and effect and
- 454 was made or created at any time(s) as the result of the adoption of
- 455 one or more main motions.
- 456
- 457 (1) Voting Requirements. If the governing body member who
- 458 wishes to make the motion provides prior notice of his or her
- 459 intentions at the meeting prior to the one at which he or she
- 460 will be making such motion, a majority vote is required. If no
- 461 prior notice is given, a two-thirds (2/3rds) vote of the governing
- 462 body (seven (7)) or more) will be required.
- 463
- 464 (2) Wait Period. An item previously acted upon may not be
- 465 amended or rescinded until four (4) months has elapsed since
- 466 the previous action. This limitation shall apply to any matter
- 467 upon which a vote was taken (including the consideration of
- 468 ordinances or resolutions that repeal, in their entirety,
- 469 previously adopted ordinances or resolutions). This four (4)
- 470 month limitation shall not apply when the amendment pertains
- 471 to correcting a typographical or legal error in the original item,
- 472 or if the new item amends or differs in a substantive manner
- 473 from the previously adopted or considered item.
- 474
- 475 (3) Restrictions. This motion is not in order when something has
- 476 been done as a result of the vote on the main motion that is
- 477 impossible to undo (e.g., when a resignation has been acted
- 478 upon, the person was present or has been officially notified of
- 479 the action.
- 480
- 481 (g) *To Call the Previous Question.* This motion is not debatable and
- 482 requires a vote. If passed by a two-thirds (2/3rds) vote of the
- 483 governing body (seven (7) or more), there shall be an immediate vote
- 484 on the substantive motion; provided however, that the call of the
- 485 previous question shall not be implemented until all members of the
- 486 governing body have had an opportunity to speak to the current
- 487 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.

- (h) *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) 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.
- (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 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).

7.3 Consideration:

- 533
- 534 (a) Notice. No action shall be taken on any ordinance or resolution
- 535 unless the item has been provided to the governing body at least five
- 536 days prior to a meeting. This restriction shall not apply to ordinances
- 537 or resolutions that (1) have no administrative impact; and (2) no fiscal
- 538 impact greater than \$5,000.00.
- 539 (b) Manner of Voting. When any vote is called, each member shall
- 540 indicate the member's vote in the manner specifically set forth in Rule
- 541 2.2.
- 542

543 **7.4 Numbering:** Upon passage, a number shall be assigned to each ordinance

544 or resolution by the city clerk.

545

546 **8. COMMITTEES**

547

548 **8.1 Purpose:** The orderly and timely transactions of the city government shall

549 be better served by having in place a committee framework whereby

550 resolution of certain issues may be developed prior to consideration by the

551 governing body. The committee framework shall include the use of standing

552 committees and special committees.

553

554 **8.2 Standing Committees:**

555

- 556 (a) The governing body shall have the following five (5) standing
- 557 committees, each comprised of three (3) members of the council:
- 558
- 559 • Policy and Finance.
 - 560 • Public Health and Safety.
 - 561 • Public Infrastructure.
 - 562 • Social Service Grants.
 - 563 • Transient Guest Tax.
 - 564
- 565 (b) Appointment. The deputy mayor shall appoint the members to each
- 566 standing committee referenced in subsection (a) above and shall
- 567 make a reasonable effort to stagger terms for the purpose of
- 568 establishing familiarity and continuity from year to year.
- 569 Appointments shall be made by the first meeting in February. Each
- 570 councilmember shall fill out a committee preference list for a standing
- 571 committee and the deputy mayor shall make every effort to appoint
- 572 councilmembers to the committee of their choice.
- 573
- 574 (c) Term. Councilmembers who are appointed to any standing
- 575 committee referenced in subsection (a) above shall serve on their
- 576 assigned committees for a one (1) year term. Councilmembers who
- 577 wish to change committee assignments may do so with permission

578 from the deputy mayor. Each standing committee shall elect the
579 chair from among its members.
580

581 **8.3 Special Committees:**

- 582
- 583 (a) Special committees may be established when there is an issue that
584 needs special focus and would be better handled outside standing
585 committees. Special committees may be created by a vote of six (6)
586 or more members of the governing body. Any proposition addressed
587 to the establishment of a special committee must state tasks and the
588 time period in which the committee should complete its assignment.
589
- 590 (b) The deputy mayor shall appoint the members of any special
591 committee. The chair shall be designated by committee members.
592

593 **8.4 Duties and Powers of Committees:**

- 594
- 595 (a) It shall be the duty of the committees to act promptly and faithfully in
596 all matters referred to them. This does not preclude standing
597 committees from considering other matters within the scope of their
598 duties.
599
- 600 (b) All committees shall have the power to hold hearings and request
601 production of records relating to any subject within its jurisdiction.
602 Standing committees may appoint subcommittees from their
603 committee membership.
604

605 **8.5 Procedure for Committee Items:**

- 606
- 607 (a) Reference to Committee; Initiation by Committee.
- 608
- 609 (1) Any item may be referred to a committee by a vote of six (6)
610 or more members of the governing body. The governing body
611 may set a fixed date for the committee to report back to the
612 governing body.
613
- 614 (2) The examination of any subject can be initiated by a
615 committee chair or by majority vote of the committee.
616
- 617 (b) Committee Action. A committee may take any of the following
618 actions:
619
- 620 (1) Recommend approval of the item.
621
- 622 (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 Deadlines.

(1) Each item referred to a standing 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 standing 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.

(2) Each item referred to a special committee shall be acted upon within the time period assigned, in accordance with Rule 8.3(a) above.

(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 a discussion or 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 a discussion or action item and the chairperson or designee may report to the governing body.

8.6 Meeting Participation; Attendance: Committee members may choose to attend committee meetings in person or by electronic communication; provided, however, that the latter option must be approved by the chairperson and there must be an arrangement for the voice of the remote participant to be heard by all persons at the primary or central meeting location. If a committee member 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.

8.7 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.

8.8 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.

8.9 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.

8.10 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.

8.11 Expenses: No committee shall incur any expense without having been authorized by a vote of six (6) or more members of the governing body.

8.12 Rules Applicable: These Rules and Procedures shall apply to committees unless inconsistent with this section.

8.13 Television Coverage: Except as otherwise provided, the public portions of any committee meeting shall be televised, subject to budget constraints, technical difficulties or emergencies.

9. SUSPENSION AND AMENDMENT OF RULES

9.1 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.

9.2 Amendment of These Rules: These rules may be amended on a periodic basis. Review may be initiated by staff or governing body members. If revisions or new rules are proposed, standard rules for agenda posting, consideration and referral to committee shall apply. A vote of six (6) or more members of the governing body shall be required to adopt any such amendments.

City of Topeka Governing Body

Rules and Procedures

Effective Date: _____, 2021

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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; Voting:

- (a) Six (6) members of the governing body shall constitute a quorum and be necessary for the transaction of business. Such members shall participate in person; but may be allowed to participate electronically in accordance with Section 2.3 entitled "Electronic Participation."
- (b) All actions by the governing body shall be taken by an affirmative vote of six (6) or more members, unless a greater or lesser number of votes is required by state law, city ordinance or these rules.
- (c) All actions by the council with regard to ordinances enacted pursuant to the City's home rule power (ordinary ordinances) that are subject to a mayoral veto shall be taken by an affirmative vote of five (5) or more council members.
- (d) When any vote is called, each member shall indicate his or her vote.
 - (1) If all members of the governing body are physically present, they shall utilize a device that displays their vote or abstention.
 - (2) If one or more member of the governing body are not physically present, but participating remotely, votes shall be taken by roll call, with the member who is called upon to vote first rotated for each vote taken.
- (e) No member shall vote in absentia or by proxy.
- (f) All votes shall be reported in the minutes.

47 **2.3 Electronic Participation:** The mayor or deputy mayor may consider a
48 request for participation by electronic communication means only if a
49 quorum of the governing body is physically assembled at the primary or
50 central meeting location and there is an arrangement for the voice of the
51 remote participant to be heard by all persons at the primary or central
52 meeting location. Participation by a governing body member in a meeting
53 by electronic communication means shall only be allowed by the mayor or
54 deputy mayor due to an emergency, a disability or a personal matter.
55 Commencing January 1, 2022, each governing body member shall be
56 limited each calendar year to participation by electronic means in three
57 meetings for personal matters.

58
59 **2.4 Record of Proceedings:** An account of all proceedings of the governing
60 body shall be kept by the city clerk and shall constitute the official record.

61
62 **2.5 Right of Floor:** Any member desiring to speak shall be recognized by the
63 meeting chair, and shall confine his or her remarks to the subject under
64 consideration or the one to be considered.

65
66 **2.6 Duties of City Manager Relative to Governing Body:**

- 67
68 (a) The members of the governing body and the city manager shall
69 observe scrupulously the relationship and the respective authorities
70 and responsibilities of each as provided by the statutes, city
71 ordinances, governing body rules or procedure and the ethics of
72 good conduct. Generally speaking, the governing body shall act as a
73 policy-making body only except as specifically provided otherwise by
74 statute and the city manager shall act as the administrative head of
75 the city. The governing body shall delegate to the city manager all
76 administrative duties not specifically required by statute to be
77 performed by the governing body. No member of the governing body
78 shall interfere directly with the conduct of any municipal department.
79 All instructions or direction to the city manager shall come from the
80 governing body after approval of a majority (six) of the members. The
81 city manager shall disregard any other instructions or directions and
82 shall refer them to the governing body as a whole. Requests for
83 routine information may be made to the city manager, department
84 heads or their designees by individual councilmembers or the mayor,
85 but all requests for lengthy or detailed reports shall be made only to
86 the city manager. Except for the assistant to the Council, no
87 instructions or directions shall be given by any member of the
88 governing body to department heads or to other city employees who
89 shall refer such instructions immediately to the city manager, who, in
90 turn, shall bring such improper actions to the attention of the
91 governing body for such action as may be appropriate in each
92 individual case. Notwithstanding this subsection (a), when the city

93 manager delegates a specific task to a particular staff member(s),
94 including staffing a committee, direct communication may occur
95 between council members and that staff member(s).
96

- 97 (b) The city manager shall act as the administrative head of the city and
98 in such capacity shall direct the affairs of the city within the limits of
99 the budget, the policies established by the governing body and the
100 requirements of the statutes. The city manager or a designee shall
101 attend all meetings of the governing body unless excused by a
102 majority of the governing body. The city manager shall prepare and
103 submit the annual budget to the governing body, shall keep the
104 governing body advised as to the financial condition and
105 requirements of the city and shall make recommendations on all
106 matters concerning the welfare of the city. The city manager shall
107 have no vote in the public meetings of the governing body and shall
108 refrain from attempting to establish policy except to make
109 recommendations to the governing body. The city manager shall
110 observe the highest standard of ethics of the city manager
111 profession. The city manager shall consult with the governing body
112 on matters pertaining to the affairs of the city.
113

114 **2.7 Duties of City Attorney Relative to Governing Body:**

- 115
116 (a) The city attorney or a designee shall attend all meetings of the
117 governing body. He or she shall draft or cause to be drafted all
118 ordinances, resolutions, contracts, releases, agreements and other
119 instruments pertaining to legal actions of the city which shall have
120 been approved as to form and legality by the city attorney or a
121 designee before presentation to the governing body. When
122 requested by any member of the governing body, the city attorney
123 shall furnish an opinion, either written or oral as may be appropriate
124 in each case, concerning parliamentary rulings, interpretations of
125 governing body rules of procedure and opinions as to legality of
126 matters under consideration. The city attorney is the chief legal
127 advisor to the city through its governing body, as a whole, as well as
128 the city manager; but not individual residents or individual governing
129 body members.
130
131 (b) The city attorney shall be the parliamentarian for the governing body
132 and shall provide advice and counsel to the meeting chair on all
133 interpretations of the rules and procedures for the conduct of
134 meetings. However, the meeting chair shall rule on all such matters,
135 as provided by Rule 4.4.
136
137
138

139 **2.8 Duties of City Clerk Relative to Governing Body:** The City Clerk or a
140 designated representative shall attend all meetings of the governing body;
141 keep the official record (minutes); tally the votes taken; announce the votes
142 both for and against; and perform such other duties as may be requested.
143

144 **2.9 Officers and Employees:**
145

146 (a) Notwithstanding TMC A2-54, which gives the city manager the power
147 to appoint, discipline and remove any employee in accordance with
148 City personnel policies, the mayor and council members may provide
149 input to the city manager regarding the employment and evaluation
150 of the assistant to the mayor and assistant to the council,
151 respectively.
152

153 (b) When there is pertinent business from their departments on the
154 agenda, department heads or their designees shall attend such
155 meetings upon request of the city manager.
156

157 **2.10 Rules of Order:** "Roberts Rules of Order Revised" shall supplement these
158 governing body rules and procedures, unless they are in conflict with these
159 rules.
160

161 **2.11 Television Coverage:** Except as otherwise provided herein, the public
162 portions of governing body meetings shall be televised live, subject to
163 budget constraints, technical difficulties or emergency situations.
164

165 **2.12 Seating During Meetings:** The council shall be seated in council district
166 order for meetings pursuant to TMC § 2.15.020.
167

168 **3. TYPES OF MEETINGS; LOCATION**
169

170 **3.1 Regular Governing Body Meetings:** The governing body shall meet in
171 the governing body chambers for regular meetings and call such meetings
172 in accordance with applicable provisions of the City Charter, TMC Chapter
173 2.15 and these Governing Body Rules.
174

175 **3.2 Special Governing Body Meetings:**
176

177 (a) Special meetings may be called by the city manager, the mayor or
178 by four (4) or more members of the council.
179

180 (b) The call for a special meeting shall be submitted to the city clerk,
181 except an announcement of a special meeting during any meeting at
182 which a quorum of members are present shall be sufficient notice of
183 such special meeting.
184

(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. All rules of decorum and conduct established by these Rules and Procedures, as set forth in Section 5.7, shall apply. Any governing body member who violates the rules of decorum will be warned by the chair and if the behavior continues, the governing body member will be asked to leave the governing body chambers upon a two-thirds (2/3rds) vote of the governing body (seven (7) or more). 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:

(a) 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.

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

5.2 Addition and Removal of Items from the Agenda:

(a) Notwithstanding section 5.1, the city manager or governing body member(s) may add an item(s) to a regular governing body meeting agenda. The item shall be introduced by the city clerk at the beginning of the meeting after which the city manager or governing body member(s) must provide an explanation for the necessity of adding the item. The item shall only be

added if its addition is approved by a vote of six (6) or more members of the governing body. [TMC 2.15.040]

- (b) The city manager may remove any item from a regular governing body meeting 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.
- Roll Call.
- Mayoral Proclamations.
- 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.
- Presentations. Presentations include staff reports.
- 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 members or governing body, as appropriate, takes action. (e.g. ordinances, resolutions, directives).
- Non-action Items. Non-action items include discussions, public hearings, and any other agenda items that do not require action.
- Public Comment.
- 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.
- Executive Session(s) (called when needed).
- 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 Presentations and Public Comment:

- 319
- 320 (a) Presentations: The City Manager may invite individual(s) to make a
- 321 presentation to the governing body under the "Presentation" section
- 322 of the agenda and discuss an appropriate time frame for such
- 323 presentation; taking into consideration the subject matter involved.
- 324
- 325 (b) Sign-Up; Time Limitation for Public Comment:
- 326
- 327 (1) Members of the public desiring to comment during a regular
- 328 governing body meeting must notify the City Clerk by 5:00
- 329 p.m. on the day of such meeting, or sign up at such meeting
- 330 before 6:00 p.m.
- 331
- 332 (2) Members of the public desiring to comment on a special
- 333 governing body meeting agenda item must notify the City
- 334 Clerk at least one hour prior to the time such meeting is
- 335 scheduled to begin, as set out in the corresponding meeting
- 336 notice, or sign up at such meeting prior to it start-time.
- 337
- 338 (3) The requirement to notify the City Clerk will not apply to public
- 339 hearings required by any state or federal law.
- 340
- 341 (4) Members of the public will be limited to four (4) minutes of
- 342 comment during any regular or special governing body
- 343 meeting, unless the governing body, by a two-thirds (2/3rds)
- 344 vote of the members (seven (7) or more), extends the
- 345 limitation; provided, however, that question/answer dialogue
- 346 or discussion with governing body members will not be
- 347 counted towards the four (4) minute time limitation.
- 348
- 349 (c) Public comment on a specific agenda item: Comments from
- 350 members of the public concerning a specific agenda item will be
- 351 heard at the time the item is considered. Persons will be limited to
- 352 addressing the governing body one (1) time on a particular matter
- 353 unless otherwise allowed by a vote of six (6) or more members of the
- 354 governing body.
- 355
- 356 (d) General public comment: Requests by members of the public to
- 357 speak during the public comment portion of a regular governing body
- 358 meeting will be placed on the agenda on a "first-come, first-served"
- 359 basis. The request should state the name of the individual(s) desiring
- 360 to be heard. Each such individual shall be limited to addressing the
- 361 governing body one (1) time and his or her comments shall be limited
- 362 to topics directly relevant to business of the governing body; provided
- 363 however, that comments pertaining to personnel and litigation
- 364 matters shall not be allowed.
- 365

366 **5.6 Procedure for Addressing the Governing Body:** Each person shall step
367 up to the microphone and shall state his or her name and city of residence
368 in an audible tone or voice for the record. All remarks shall be addressed
369 to the governing body as a whole and not to any individual member thereof.
370 No person, other than members of the governing body and the person who
371 has the floor, shall be permitted to enter into any discussion, either directly
372 or through the members. Any questions asked by the person who has the
373 floor or by governing body members shall be allowed at the sole discretion
374 of the meeting chair.
375

376 **5.7 Rules of Decorum:** The following behavior will not be tolerated from
377 members of the public, governing body or staff: uttering fighting words,
378 slander, speeches invasive of the privacy of individuals, unreasonably loud
379 speech, repetitious speeches or debate, or speeches so disruptive of
380 proceedings that the legislative process is substantially interrupted. Any
381 individual engaging in this type of behavior will be warned once by the chair
382 and, if the behavior continues, the speaker will be ordered to cease his/her
383 behavior. If necessary, the speaker will be escorted to a seat in the
384 governing body chambers, or escorted from the chambers if such person
385 persists in interfering with the ability of the governing body to reasonably
386 carry out its functions. Members of the public, governing body and staff are
387 expected to treat one another with respect.
388

389 **5.8 Communication with the Governing Body:** Nothing in these Rules and
390 Procedures shall be construed to limit a person's ability to contact members
391 of the governing body outside of a regular, special or committee meeting.
392

393 **5.9 Adjournment:** Adjournment from a regular governing body meeting shall
394 occur no later than the hour of 10:00 p.m. or as shall be announced by the
395 chair at the conclusion of business. Meetings may be continued beyond the
396 hour of 10:00 p.m. only when approved by a majority of members present.
397

398 **6. RULES OF ORDER**

399

400 **6.1 Questions Related to Agenda Items:** The governing body shall direct
401 questions related to any agenda item to the Mayor or the City Manager, who
402 shall either answer the question or call upon the appropriate staff member
403 to answer the question.
404

405 **6.2 Governing Procedure:** The Governing Body Rules and Procedures shall
406 govern the proceedings. "Roberts Rules of Order Revised" shall
407 supplement the Governing Body Rules and Procedures, unless they are in
408 conflict with these rules.
409

410 **6.3 Motions:** Except as otherwise provided by ordinance, statute or these
411 rules, all motions shall require a second before such motion may be

considered and may be either affirmative or negative. The following motions may be used:

- (a) *Substantive Motion.* Only one main substantive motion may be pending on the floor at any one time. It must be withdrawn or advance to a vote before another substantive motion is introduced.
--LKM Code of Procedures for Kansas Cities (second edition) Section 17
--Robert's Rules Chapter V (The Main Motion) Section 10
- (b) *To Amend a Motion Prior to Adoption.* The purpose 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 the original motion has been made and seconded - but before the Chair or the City Clerk states such motion: any suggested modifications will require the consent of the two individuals who made and seconded the original motion (a "friendly amendment").
- (2) After the Chair states the motion: members of the governing body may propose amendments without such consent.
--LKM Code of Procedures for Kansas Cities (second edition) Section 19
--Robert's Rules Chapter VI (Subsidiary Motions) Section 12]
- (c) *To Reconsider.* A motion to reconsider can be made without notice to bring back for further consideration a motion that has already been voted on for the purpose of permitting correction of a hasty, ill-advised or erroneous action; provided, however, that such motion must be made (i) by a person who voted on the prevailing side of the motion to be reconsidered and (ii) during the same meeting as the initial action was taken on the motion to be reconsidered.

--LKM Code of Procedures for Kansas Cities (second edition) Section 22 **PROHIBITS Motions to Reconsider**
--Robert's Rules Chapter IX (Motions that Bring a Question Again before the Assembly) Section 37 allows under very limited circumstances
- (d) *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.

--LKM does not address Motions to Defer

--LKM Code of Procedures for Kansas Cities (second edition) Section 19

--Robert's Rules does not appear to address Motions to Defer

- (e) *To Refer.* Such action shall be appropriate in connection with investigation and report (e.g. refer a matter to a committee).

--LKM Code of Procedures for Kansas Cities (second edition) Section 21

--Robert's Rules Chapter VI (Subsidiary Motions) Section 13]

- (f) *To Amend Something Previously Adopted or Rescind Action Previously Taken.* The purpose is to enable the governing body to bring back for further consideration a motion that has already been voted on for the purpose of taking into account added information, or a changed situation, that developed since the vote was taken. It can be applied to something (e.g. bylaw, rule, policy, decision or choice) that has continuing force and effect and was made or created at any time(s) as the result of the adoption of one or more main motions.

--LKM Code of Procedures for Kansas Cities (second edition) does not provide for this type of motion

--Robert's Rules Chapter IX (Motions that Bring a Question Again before the Assembly) Section 35

- (1) Voting Requirements. If the governing body member who wishes to make the motion provides prior notice of his or her intentions at the meeting prior to the one at which he or she will be making such motion, a majority vote is required. If no prior notice is given, a two-thirds (2/3rds) vote of the governing body (seven (7)) or more) will be required.

- (2) Wait Period. An item previously acted upon may not be amended or rescinded until four (4) 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 that repeal, in their entirety, previously adopted ordinances or resolutions). This four (4) month limitation shall not apply when the amendment pertains to correcting 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) Restrictions. This motion is not in order when something has been done as a result of the vote on the main motion that is impossible to undo (e.g., when a resignation has been acted upon, the person was present or has been officially notified of the action).

- (g) *To Call the Previous Question.* This motion is not debatable and requires a vote. If passed by a two-thirds (2/3rds) vote of the governing body (seven (7) or more), there shall be an immediate vote on the substantive motion; provided however, that the call of the previous 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.

--LKM Code of Procedures for Kansas Cities (second edition) Section 23

--Robert's Rules Chapter VI (Subsidiary Motions) Section 16

--LKM Code of Procedures for Kansas Cities (second edition) Section 18 **PROHIBITS Motions to Substitute**

--Robert's Rules does not appear to address Motions to Substitute

- (h) *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) 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.

--LKM does not address Motions to Suspend a Rule

--Robert's Rules Chapter VIII (Incidental Motions) Section 25

- (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.

--LKM Code of Procedures for Kansas Cities (second edition) Section 26

--Robert's Rules Chapter VII (Privileged Motions) Section 21

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).

7.3 Consideration:

- (a) 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.
- (b) Manner of Voting. When any vote is called, each member shall indicate the member's vote in the manner specifically set forth in Rule 2.2.

7.4 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 five (5) standing committees, each comprised of three (3) members of the council:
- Policy and Finance.
 - Public Health and Safety.
 - Public Infrastructure.
 - Social Service Grants.
 - Transient Guest Tax.

- 600
- 601 (b) Appointment. The deputy mayor shall appoint the members to each
- 602 standing committee referenced in subsection (a) above and shall
- 603 make a reasonable effort to stagger terms for the purpose of
- 604 establishing familiarity and continuity from year to year.
- 605 Appointments shall be made by the first meeting in February. Each
- 606 councilmember shall fill out a committee preference list for a standing
- 607 committee and the deputy mayor shall make every effort to appoint
- 608 councilmembers to the committee of their choice.
- 609
- 610 (c) Term. Councilmembers who are appointed to any standing
- 611 committee referenced in subsection (a) above shall serve on their
- 612 assigned committees for a one (1) year term. Councilmembers who
- 613 wish to change committee assignments may do so with permission
- 614 from the deputy mayor. Each standing committee shall elect the
- 615 chair from among its members.
- 616

617 **8.3 Special Committees:**

618

- 619 (a) Special committees may be established when there is an issue that
- 620 needs special focus and would be better handled outside standing
- 621 committees. Special committees may be created by a vote of six (6)
- 622 or more members of the governing body. Any proposition addressed
- 623 to the establishment of a special committee must state tasks and the
- 624 time period in which the committee should complete its assignment.
- 625
- 626 (b) The deputy mayor shall appoint the members of any special
- 627 committee. The chair shall be designated by committee members.
- 628

629 **8.4 Duties and Powers of Committees:**

630

- 631 (a) It shall be the duty of the committees to act promptly and faithfully in
- 632 all matters referred to them. This does not preclude standing
- 633 committees from considering other matters within the scope of their
- 634 duties.
- 635
- 636 (b) All committees shall have the power to hold hearings and request
- 637 production of records relating to any subject within its jurisdiction.
- 638 Standing committees may appoint subcommittees from their
- 639 committee membership.
- 640

641 **8.5 Procedure for Committee Items:**

642

- 643 (a) Reference to Committee; Initiation by Committee.
- 644
- 645 (1) Any item may be referred to a committee by a vote of six (6)

646 or more members of the governing body. The governing body
647 may set a fixed date for the committee to report back to the
648 governing body.
649

- 650 (2) The examination of any subject can be initiated by a
651 committee chair or by majority vote of the committee.
652

653 (b) Committee Action. A committee may take any of the following
654 actions:
655

- 656 (1) Recommend approval of the item.
657
658 (2) Recommend approval, with amendments.
659
660 (3) Recommend that the item not be approved.
661
662 (4) Make no recommendation (no second means no
663 recommendation).
664

665 (c) Committee Action Deadlines.
666

- 667 (1) Each item referred to a standing committee shall be acted
668 upon on or before any deadline set by the governing body or
669 ninety (90) calendar days of the date upon which it was
670 referred, whichever occurs first. Although the standing
671 committee shall make every reasonable effort to act upon the
672 item prior to expiration of the established deadline or ninety
673 (90) calendar days, if this is not possible then the item shall
674 be placed on an agenda for purposes of allowing the
675 committee chair to provide an update regarding the
676 committee's progress.
677
678 (2) Each item referred to a special committee shall be acted upon
679 within the time period assigned, in accordance with Rule
680 8.3(a) above.
681

682 (d) Placement on Governing Body Meeting Agenda.
683

- 684 (1) An item *referred to* and considered by a committee pursuant
685 to section 8.5(a)(1) shall be placed on a regular governing
686 body meeting agenda as a discussion or action item and the
687 chairperson or designee shall report to the governing body.
688
689 (2) An item *initiated* and considered by a committee pursuant to
690 section 8.5(a)(2) may be placed on a regular governing body
691 meeting agenda as a discussion or action item and the
692 chairperson or designee may report to the governing body.

693
694 **8.6 Meeting Participation; Attendance:** Committee members may choose to
695 attend committee meetings in person or by electronic communication;
696 provided, however, that the latter option must be approved by the
697 chairperson and there must be an arrangement for the voice of the remote
698 participant to be heard by all persons at the primary or central meeting
699 location. If a committee member cannot be present at a meeting, an
700 alternate council member may be appointed to serve at that meeting, with
701 full voting rights. The alternate shall be appointed by one of the following
702 individuals, listed in order of priority:

- 703
704 (a) The absent committee member.
705
706 (b) The committee chair.
707
708 (c) The deputy mayor.
709

710 **8.7 Meeting Times:** Each committee shall meet as needed. Meetings may be
711 called by the committee chair or by action of the committee. The city
712 manager shall be notified of committee meetings at least twenty-four (24)
713 hours in advance of any meeting. Any request for resource staff will be
714 included in the notification. Council staff shall notify the city clerk of the
715 time, place, and agenda at least twenty-four (24) hours in advance of the
716 meeting. The city clerk shall post the notification to the city web site upon
717 notification by council staff.
718

719 **8.8 Agenda Preparation:** The chair shall be responsible for establishing the
720 agenda for each committee meeting. Members desiring an item to be
721 placed on the agenda should contact the chair directly or through the council
722 staff.
723

724 **8.9 Minutes:** Minutes shall be kept of each meeting. Minutes are defined as
725 an overview of the proceedings, to include those in attendance, a brief
726 summary of the issues discussed and a record of the action(s) taken
727 (including the result of any vote(s) taken). Minutes shall be reviewed and
728 approved by the committee at a subsequent meeting. However, in the event
729 that the committee will not meet within the next thirty (30) days, the
730 chairperson may approve the minutes if there are no objections or changes
731 from other committee members. In the event of objections or changes, the
732 committee shall meet to discuss and take action.
733

734 **8.10 Public Comment:** Public comment may be allowed on any matter on a
735 committee agenda, at the discretion of the chairperson. All rules of decorum
736 and conduct for comment established by these Rules and Procedures shall
737 be applicable to public speakers.
738

739 **8.11 Expenses:** No committee shall incur any expense without having been
740 authorized by a vote of six (6) or more members of the governing body.

741
742 **8.12 Rules Applicable:** These Rules and Procedures shall apply to committees
743 unless inconsistent with this section.

744
745 **8.13 Television Coverage:** Except as otherwise provided, the public portions
746 of any committee meeting shall be televised, subject to budget constraints,
747 technical difficulties or emergencies.

748 749 **9. *SUSPENSION AND AMENDMENT OF RULES***

750
751 **9.1 Suspension of These Rules:** Any provision of these rules not governed
752 by the city charter or city code may be temporarily suspended by a two-
753 thirds (2/3rds) vote of the governing body, (seven (7) or more). The vote on
754 any such suspension shall be included in the record.

755
756 **9.2 Amendment of These Rules:** These rules may be amended on a periodic
757 basis. Review may be initiated by staff or governing body members. If
758 revisions or new rules are proposed, standard rules for agenda posting,
759 consideration and referral to committee shall apply. A vote of six (6) or more
760 members of the governing body shall be required to adopt any such
761 amendments.

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Policy and Finance

Referred by City Council at Council meeting: August 17, 2021

Date referred from Committee: December 3, 2021

Title: Amendments to the City of Topeka Governing Body Rules and Procedures

Committee Action: Chairman Spencer Duncan made a motion to move for approval the amended Governing Body Rules and Procedures document to the Governing Body for consideration of approval. Committee member Tony Emerson seconded the motion. Motion passed with a vote of 3-0.

Comments: N/A

Amendments:

Members of Committee: Spencer Duncan (Chair), Tony Emerson, Hannah Naeger

Agenda Date Requested: 12/21/2021



CITY OF TOPEKA

POLICY AND FINANCE COMMITTEE

CITY COUNCIL COMMITTEE MEETING MINUTES

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

Date: December 3, 2021

Time: 10:00 a.m.

Location: 1st Floor Conference Room; Holliday Bldg 620 SE Madison (*virtual option also available*)

Committee members Present: Spencer Duncan (Chair), Tony Emerson, Hannah Naeger

City Staff Present: City Manager Brent Trout, Chief of Staff Bill Cochran, Finance Director Stephen Wade, City Attorney Amanda Stanley

1) Call to Order

Chairman Duncan called the meeting to order at am. Committee members introduced themselves.

2) Approve Minutes from November 16, 2021 Meeting

Committee member Emerson made a motion to approve the minutes. Committee member Naeger seconded the motion. Minutes approved 3-0-0.

3) 2022 Legislative Priorities

Chairman Duncan noted this item had been sent back to the Committee by the Governing Body. He stated that after the review of this list, he would like to discuss setting guidelines for the future regarding the Policy & Finance Committee performing an annual review of the Legislative Priorities.

Whitney Damron, Lobbyist for the City of Topeka, provided a list of legislative priorities for the City of Topeka for the 2022 legislative session.

Mr. Damron noted there was an issue for consideration regarding the Menninger Clock Tower project. The entity will be seeking some State money. If they choose to take that option, they may be retaining a Lobbyist. If that occurs, Mr. Damron suggested the City and delegation may want to come in and secondarily express support for the redevelopment.

Mr. Damron also noted the Interim Tax Committee met the past week and are stumbling through a Taxpayer Bill of Rights (TABOR). This would look like a

constitutional amendment to either limit spending or limit taxes and is definitely a work in progress. He stated this would be something the City of Topeka would want to be aware of, as to what impact it might have on cities and counties and state local revenue shares, and to monitor it as it goes through legislation.

Chairman Duncan read through the document that Mr. Damron had provided:

- Docking Building - Chairman Duncan stated there had been some back and forth with recommendations, and that one of the versions of recommendations from the City was to go down to three floors. He was fine either recommendation that the Governing Body would make, but he would like to see the City's position to include a caveat that the State make every effort to work with the City to preserve anything of historical value. That could look like including pieces into the new design, but even if they cannot do that, he would like to have that effort made regardless to allow for the City or another group who may be interested in moving an item for preservation to do so. Committee members Naeger and Emerson agreed with comments made by the Chair.
- KDHE Lab - Chairman Duncan noted he did not have any issues to continue supporting the recommendations. Mr. Damron noted a final decision had not yet been made on this location, and stated there had been discussion between this lab being on KNI grounds or Parking Lot 4. Chairman Duncan stated he felt either location would be acceptable, he was just supportive of keeping it in Topeka. Committee members Emerson and Naeger agreed.
- ARPA and Federal Infrastructure Investment Jobs Act (IIJA) - Chairman Duncan felt supportive of continuing the efforts with these proposals. Committee member Emerson noted he had heard that the IIJA money would be coming to the State and then provided to cities from there, and he wanted to ensure the City of Topeka received a fair share of that allocation. City Manager Brent Trout confirmed this process, and noted it would be likely that the City of Topeka would be able to receive some of that money, however it would likely be a very competitive process. Chairman Duncan noted it would be important to continue to follow this process very closely to help advocate for equal fairness of fund distribution to all cities regardless of size. And secondly, that the City stay on top of this process to begin submitting things as soon as we are able to. He also recommended that the Governing Body, as a whole, extend an invitation to the Secretary to have a conversation with us to explain the process so that the City can outline our needs as a capital city. Stephen Wade, Finance Director, added that he had received an updated from the Department of Commerce the day prior specifically on this issue. The majority of the funding will go toward roads, but the other point of emphasis is going to be lead service lines. Committee member Emerson noted that Topeka Boulevard was a state highway at one point in time, and possibly is still considered to be

one. He inquired if that may be something that could receive some of the KDOT funding to help redo that project. Chairman Duncan noted that part of that stretch of Topeka Boulevard also falls under Shawnee County jurisdiction, and that suggested drafting some type of joint proposal to request funding to cover the cost of the whole stretch would be beneficial. Chief of Staff Bill Cochran noted that when KDOT put in stuff on South US-75, a lot of Topeka Boulevard was then turned over to the City of Topeka. Anything running from city limits to city limits will be under the City of Topeka jurisdiction to maintain. Chairman Duncan noted that regardless, Topeka Boulevard is a main arterial street and there is a need to bring it to better condition.

Committee member Emerson stated he had heard that some of the funding might also be for the airports. He would like to have a presentation from Metropolitan Topeka Airport Authority (MTAA), as they have received some of the funding directly. He feels the City should have some input on what is happening to some of the huge economic development corridors. Chairman Duncan agreed that a presentation from MTAA would be a good idea. He noted that in the two years that he has been on the City Council, MTAA has not provided any type of update or formal presentation. Chief of Staff Cochran noted he had been attending the board meetings and confirmed they had received grant money. Some of the funding would be put toward the renovation of the old terminal on Forbes Field to bring it up to COVID-19 standards. They received a large grant to do so, but will not be using all of the money for only that project. They will also use the COVID-19 Grant dollars to remove some of the old buildings that are not rehab-able and have asbestos in it. They will also complete some utility work at Billard Airport. He agreed that a presentation from MTAA to the Governing Body would be warranted and noted he had been having conversations with the City Attorney to review term limits of some of the Board members. Committee member Emerson inquired if the MTAA would be bringing those project proposals to the Governing Body at some point to talk about? He noted a terminal that is empty 99% of the time, versus something in town that has several hundred people who use it daily, and wondered why money would not be spent instead to redo a terminal that more people use? He expressed disagreement in the proposed projects. Chairman Duncan stated he felt a presentation in January 2022 would be timely and appropriate to request. Chief of Staff Cochran agreed, and noted that would also be a good time to request the Governing Body to inquire about the status of recruiting staff for the airline as well.

- Monitor Legislative Post Audit Study of Government Competition - Chairman Duncan noted he attended a recent presentation about this topic, and that he spoke up after the presentation, stating that although they were not entirely incorrect in their assessment of the issues, their only solution seemed to be was to let everyone stop paying property taxes. For a local government, that is

an issue. He asked them if they had looked into any other solutions that would level the playing field, and had they looked at the impact to local municipalities. The speaker's response was "I work in Washington D.C. and the local municipalities are not my concern". Chairman Duncan noted this was not an answer he felt was acceptable, and would like to see more tools for local governmental entities to solve problems and set some rules regarding taxing policy and other items that are included in this study. Committee members Emerson and Naeger nodded in agreement and had no additional questions or comments.

- Sales Tax on Food - Chairman Duncan noted this was something he added to the list. He stated that the estimate is, if they totally eliminate food sales tax, up to \$5M of the City's budget would be lost. He stated it was very likely that they would be doing something with the sales tax for food. He would like to take the position of supporting that the State address the issue, and for the City to not necessarily take a position on what the percentage should be that is eliminated, but supportive of them taking action. And to also support leaving in the local control portion of it and only focusing on the State portion of it. This would give the City to have some local control of it. Chairman Duncan felt it was important to be part of the conversation, although not necessarily part of the final decisions.

Committee member Emerson noted that the State's sales tax on food is 6.5%. And that the City and County combined is 2.65%. His position would be to leave the 2.65% of the City/County and reduce the State percentage to whatever lower they wanted to. Any reduction from the State side would benefit the citizens. He also suggested that if the State wanted to also remove the City/County tax, they could then help by paying some PILOT fees to help with some of the buildings in town. Chairman Duncan stated he understood the position to state it would leave local municipality rates to them.

- Broadband Investment under ARPA and IIJA - There were no questions or comments about this issue. The committee agreed this was an issue to keep on the list.
- Home Rule and other Priorities - The City continues to support not letting the State limit the City's Home Rule. No additional questions or comments.
- Carryover Issues - Chairman Duncan stated there was really no new information on those issues, and that the City had had positions on those. Basically, this just keeps things moving forward and has the City starting to look at legislation for 2023 on the Abandoned Housing issues.

Chairman Duncan circled back to the two issues Mr. Damron discussed at the beginning. He stated that with regard to Menninger Hill, he did not feel that the Governing Body was opposed to redevelopment, but that the concern remained that it continue to be a working community effort as the City simply does not have the dollars to step in and take it over. He also felt that there would be consensus that if the private group had the opportunity to receive State funding, the City could find ways to support the effort. Chairman Duncan inquired if a presentation from this group would be brought to the Governing Body at some point. He expressed a caveat that he would like to get to know this group and their plans better before moving forward with expressing verbal support of them and their efforts. City Manager Trout confirmed that they are a reputable group that has done a number of similar projects. He noted that a presentation should be coming forward in the near future. The group is still wanting it to be somewhat quiet until they get a little further along, however private conversations could take place with the Council members. Chief of Staff Cochran agreed with comments made by City Manager. Committee member Emerson stated he was agreeable to the project as long as they were not requesting property tax exemption status. City Manager Trout stated that one of the incentives that they will receive is NRP. This was approved when we approved the latest plan for the neighborhood revitalization program. They have applied for that, and there will be some exemption, however once that exemption expires they will be paying property taxes. There will be an incentive provided to get the project completed, but then they will begin paying property taxes. Chief of Staff Cochran noted that they will receive some federal funding as it is a historic preservation project, as well as it being rehabbed for senior living.

Chairman Duncan also brought back the topic of the Tax Bill of Rights. There is some concern because this is happening suddenly and without much forethought. Chairman Duncan did not feel there was much of a position for the City to take, at this point, except to direct Mr. Damron to keep the City informed as things change. Much like the rest of the things, if the State wants to put measures in place that restrict them, then the City would likely not have much contention with that, however if they start restricting the abilities of the municipalities, there will be some issues.

City Attorney Amanda Stanley noted that due to the December 10th deadline from the Shawnee County Delegation, she would plan to put this into a Resolution format for the Governing Body to take action on at the December 7th Governing Body meeting.

MOTION: To direct the City Attorney to put the 2022 Legislative Priorities into Resolution form for the Governing Body's approval. Motion by Committee

member Emerson was seconded by Committee member Naeger. Motion approved 3-0-0.

Chairman Duncan stated he felt reviewing the Legislative Priorities would be an item that would be set as a living document to be reviewed and changed as needed on an annual basis. He would like to have the Policy & Finance Committee add the process to their duties, perhaps in July, to then bring recommendations to the Governing Body in early Fall. Committee members Emerson and Naeger agreed.

4) Governing Body Rules and Procedures (video 32:00 minute mark)

Chairman Duncan noted that there were only a few areas on this document to really review and make recommendations on.

Electronic Participation -The new change would state that a Governing Body member would notify the Mayor, Deputy Mayor, or City Manager within a minimum of 24 hours of a plan to attend a Governing Body meeting virtually, to be allowed up to three times annually. Committee member Naeger inquired if there should be any language added to address penalties or process for any Governing Body members who would seem to abuse this policy. Chairman Duncan felt there would not be a need to include language, and that the topic could be addressed if it came up. His thought would be that the forth request would be denied by the Mayor/Deputy Mayor/City Manager.

Committee member Emerson inquired if the limitation would extend to Committee meetings as well, or only apply to the Governing Body meetings. Chairman Duncan stated there is another section in the document that discusses Committees and that there are no regulations on electronic participation for those. The discussion at the time seemed to lead that we wanted to be more flexible with people on the Committees. He sought confirmation from City Attorney Stanley as to whether or not clarifying language needed to be added. City Attorney Stanley confirmed this would only apply to Governing Body meetings.

6.3 Motions - Currently states "Except as otherwise provided by ordinance, statute or these rules, all motions shall require a second before such motion may be considered and may be either affirmative or negative...". Chairman Duncan and City Attorney Stanley noted there did not seem to be a need for the word "negative", that a motion either receives a second, or it does not. Committee members Emerson and Naeger agreed with the suggestion to remove the language "affirmative or negative" from this section.

With regard to subsection 6.3(b), Chairman Duncan noted there had been some confusion with this language, stating that the way it is currently written it does

not allow for a further amendment to be made to an initial amendment. He was not sure if that had been the original intention or not. Chairman Duncan's concern was that restricting this process limits the ability to make additional amendments and have further conversations on an item. He noted that although the process is drawn out longer when these amendment to amendments take place, it does not happen very often. He would prefer to leave the language as is, to allow for an amendment to an amendment, and if the Governing Body does not like it, they will either not provide a second or will vote it down.

City Attorney Stanley stated that to adhere to Chairman Duncan's proposal, the sentence stating "A motion shall be amended only once before a vote has been taken", would be deleted. Chairman Duncan confirmed.

New - 6.3(g) To Call the Previous Question - Chairman Duncan felt the way this is written would call to question, which is a very specific rule, would allow discussion to continue. However, the intention of calling to order and the requirement of needing two-thirds of a vote to do that, is to try to force a vote at that time. It is a procedural action that people use to stop debate and force the Body to take action. If the change moves forward, it would essentially allow for the ability to call the question and still have a conversation without the required vote. Chairman Duncan noted this is another action that is not used with frequency, and is hesitant to change this language. He would like to keep it as a more traditional calling of the question procedure.

Committee member Emerson stated his understanding of the intent was to ensure each person had a chance to speak to the motion before the question was called, however he also understood where Chairman Duncan was coming from. He would prefer to leave the language as it is, noting that it really has not been an issue in his experience.

Committee member Naeger wants to preserve the right to allow everyone to speak. She noted that this may be something to review again at a future time, but to leave it as it is at this time.

Chairman Duncan agreed. No change recommended.

Final section for review - Chairman Duncan addressed the intent is to make sure the definition of a quorum must consist of people physically in the room, unless the Governing Body Rules are suspended, to not include Governing Body members attending virtually.

Committee member Naeger sought confirmation that this rule would apply only to Governing Body meetings, and not Committee meetings. Chairman Duncan confirmed. Committee member Naeger agreed.

City Attorney Stanley felt this should be added to Section 2.2 Quorum, with explicit language, as that would be the location people would naturally look to for quorum rules. Chairman Duncan agreed.

Committee members Emerson and Naeger agreed with this additional change and clarifying language.

Chairman Duncan clarified that the language in Section 8.6 which defines meeting participation and attendance for the Committees, would be a substantial change in that it would now allow for the option to attend any committee meeting virtually.

MOTION: Chairman Duncan made a motion to move to approve the amended Governing Body Rules and Procedures document to the Governing Body for consideration of approval. Committee member Emerson seconded the motion. Motion passed 3-0-0.

5) Other Items

No additional items.

6) Adjourn

Chairman Duncan adjourned the meeting at 10:55am.

The video of this meeting can be viewed at: https://youtu.be/0Ac9t_58Kbo



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Councilmember Karen Hiller, PHS Committee Chair
DOCUMENT #:
SECOND PARTY/SUBJECT: City of Topeka Digital Equity and Inclusion Policy
PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 12-14-21.
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of the City of Topeka Digital Equity and Inclusion Statement of Commitment as recommended by the Public Health and Safety Committee. *(The PHS Committee recommended approval by a vote of 3-0-0 on November 8, 2021.)*

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

(The City of Topeka will actively participate with other community partners to implement the acts necessary to establish Digital Equity and Inclusion efforts.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to approve the proposed Statement of Commitment to be part of a coordinated community-wide effort to ensure all residents and neighborhoods have the information technology capacity needed for civic and cultural participation, employment, lifelong learning, and access to other essential health and human services. Collaborators would include education, health, community and business partners on intentional strategies and investments to create opportunities and to reduce and eliminate historical barriers to technology access and use. Initiative would include digital equity, smart cities and other equity and justice work.

STAFF RECOMMENDATION:

Staff is recommending approval of the Statement of Commitment as recommended by the Public Health and Safety Committee.

BACKGROUND:

A working group of stakeholders was formed by Councilmember Dobler when the issue was first introduced to the Public Health and Safety Committee at the August 17, 2020 meeting. That group has collaborated on programming and community assistance initiatives, and has reported regularly to the Public Health and Safety Committee since that time.

Following several discussions by the Public Health and Safety Committee, the Committee is recommending the City of Topeka approve a Digital Equity and Inclusion Statement of Commitment.

Establishment of Digital Equity and Inclusion efforts help ensure all individuals and communities, including historically underserved populations have access to, and use of, Information and Communication Technologies (ICTs) that are affordable, accessible and technologically sufficient. The City of Topeka will actively participate with other community partners in implementation of the following activities.

1. Provide sufficient options for affordable and available Internet connectivity and digital education to maximize public access for historically underserved residents and communities.
2. Partner with government, health and community organizations, libraries, schools (PreK-12 and higher education), and businesses to seek grant funding, build resources, maximize investments, and employ best practices in digital inclusion.
3. Create and deliver educational opportunities for residents to gain technology skills necessary to be successful in employment, entrepreneurship and technology leadership, lifelong learning, civic engagement, and use of other essential online health and human services.
4. Implement "Lifeline broadband" programs aimed at reducing the price of commercial home broadband service for lower income consumers. Making home broadband more affordable in general, and creating or preserving very affordable options for low-income households.
5. Provide "Smart Community" initiatives, aimed at using networked technologies and data to transform city service delivery, transportation, economic development, governance and civic participation.

BUDGETARY IMPACT:

The is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Proposed City of Topeka Digital Equity and Inclusion Statement of Commitment (November 8, 2021)

PHS Committee Report - November 8, 2021

Public Health and Safety Committee Meeting Minutes (DRAF) - November 8, 2021

City of Topeka

Digital Equity & Inclusion

Statement of Commitment

PURPOSE

To ensure all residents and neighborhoods have the information technology capacity needed for civic and cultural participation, employment, lifelong learning, and access to other essential health and human services. To collaborate with education, health, community and business partners on intentional strategies and investments to create opportunities and to reduce and eliminate historical barriers to technology access and use. To connect digital equity to smart cities and to other equity & justice work.

ELIGIBILITY

Residents of underserved communities, or populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, to include 1) persons of color; persons with disabilities; and persons otherwise adversely affected by persistent poverty or inequality; 2) persons who reside within a low-moderate income (LMI) area as determined by Census data that is compiled by the U.S. Department of Housing and Urban Development (HUD) and 3) persons with income less than 80% of the Topeka area median income as currently determined by HUD.

ACTIVITY

The following acts are to be completed for the establishment of Digital Equity & Inclusion efforts that ensure that all individuals and communities, including historically underserved populations, have access to and use of Information and Communication Technologies (ICTs) that are affordable, accessible, and technologically sufficient.

The City of Topeka will actively participate with other community partners in implementation of the following activities.

1. Provide sufficient options for affordable and available Internet connectivity and digital education to maximize public access for historically underserved residents and communities.

2. Partner with government, health and community organizations, libraries, schools (PreK-12 and higher education), and businesses to seek grant funding, build resources, maximize investments, and employ best practices in digital inclusion.
3. Create and deliver educational opportunities for residents to gain technology skills necessary to be successful in employment, entrepreneurship and technology leadership, lifelong learning, civic engagement, and use of other essential online health and human services .
4. Implement “Lifeline broadband” programs aimed at reducing the price of commercial home broadband service for lower income consumers. Making home broadband more affordable in general, and creating or preserving very affordable options for low-income households.
5. Provide “Smart Community” initiatives, aimed at using networked technologies and data to transform city service delivery, transportation, economic development, governance and civic participation.

EFFECTIVE DATE

This Statement of Commitment shall become effective as of the date below, and will continue until changed by the Governing Body of the City of Topeka.

Name and title of signature

Date

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

**Name of
Committee:**

Public Health and Safety

Title:

DISCUSSION ITEM introduced by the Public Health & Safety Committee as a recommendation for approval by the Governing Body.

**Date referred
from Council
meeting:**

NA

**Date referred
from
Committee:**

November 8, 2021

**Committee
Action:**

Motion to send the Digital Equity & Inclusion Policy Statement to the Governing Body with a recommendation for adoption in January 2022.

Comments:

Committee member Dobler requested the City Administration seek policy statements from other organizations be presented by time of approval.

Amendments:

Mr. Lazone Grays noted that the application deadline for the Capital Projects Funds, is December 27, 2021 and suggested moving the date for the item going before the Governing Body to December 2021. Committee member Dobler made an amendment to his original motion, to move the item to the December 21, 2021 Governing Body for adoption. Committee member Valdivia-Alcalá seconded the motion as amended. Amended motion approved 3:0.

**Members of
Committee:**

Councilmembers Karen Hiller (Chair), Christina Valdivia-Alcalá and Neil Dobler.

**Agenda Date
Requested:**

December 21, 2021



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

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

Date: November 8, 2021

Time: 10:30am

Location: ECR (3rd Floor City Hall) 215 SE 7th Street (virtual via Zoom as well)

Committee members present: Councilmembers Karen Hiller (Chair), Christina Valdivia-Alcalá, Neil Dobler

City staff present: City Manager Brent Trout, Chief of Staff Bill Cochran, Monique Glaudé (Director of Community Engagement & Ombudsman), Mike Haugen (Property Maintenance), LT Andy Beightel (Police), Chief Craig Duke (Fire)

1) Call to Order

Committee member Hiller called the meeting to order at 10:32am. Committee members and staff introduced themselves.

2) Approval of October 13, 2021 minutes

Committee member Dobler made a motion to approve the minutes. Committee member Valdivia-Alcalá seconded the motion. Minutes approved 3:0.

3) Digital Equity & Inclusion Partnership: Update & Administrative Policy Review

Scott Gowan, IT Director with Topeka Public Schools, provided an update on the work being done by the Digital Equity & Inclusion Partnership. Updates included:

- Digital Navigator and Technical Navigator Positions have been filled or are almost to that point. Monique Glaudé will be able to provide more information on that.
- The Policy Statement will be brought forward today with a request for approval by the Committee to move forward to the Governing Body. With Governing Body approval, this Policy Statement would serve as a guide for the two employees (Digital Navigator and Technical Navigator), as well as for any future activities that we can engage in as an organization of leaders throughout the community.

Chairwoman Hiller inquired if the group had asked each player what their organizations will be able to bring to the table with a request to adopt the same policy? The City has taken some leadership, however she did not feel that the full

responsibility should be on the City municipality to run. Mr. Gowan stated that question had not been presented, but noted he would take it to the group.

Committee member Hiller voiced concern that, throughout discussions in these meetings, a new utility is being created. At some point, a decision needs to be made as to who is responsible for it. At present time, Chairwoman Hiller did not feel comfortable with having the City remain in the lead role/responsibility for this utility.

Chairwoman Hiller noted that the Infrastructure Bill had recently been approved, and inquired if Mr. Gowan was ready to address what he was seeing in the new Bill? Mr. Gowan answered that he had been watching along the way, to see what was being included and excluded, but that at this point the Digital Equity & Inclusion Partnership team needs to get back together to help encourage the Digital Navigator to represent and do a referral process for. The FCC has a big role in the allowances and provisions with the Infrastructure Bill, and the group will be doing referrals, in that situation, to the FCC's program. Outside of that, we want to parse it out as a Committee and see the different pieces in play now that it has been enacted.

Committee member Valdivia-Alcalá noted she agreed with supporting the group with moving forward, but also shared the opinion of Chairwoman Hiller that the City of Topeka should not be the sole entity responsible for the program.

Community Engagement Director Monique Glaudé provided the following updates:

- Maria Anderson has been hired as the part-time Digital Navigator
- Sean Scozzare has been hired as the part-time Technical Navigator
- Although these positions have been filled, it will likely be January 2022 before the information and programs will begin being offered to the community.

Committee member Dobler inquired as to the next steps for moving forward with the administrative policy and the usual process that would occur. City Manager Brent Trout stated the document is a policy statement as to the position of the City as it relates to these items. It is a public-facing document. The steps would include having Staff vet the document, followed by Committee approval, and finally approval by the Governing Body.

City Manager Trout noted that this policy does not set broadband as a utility, but more provides the guiding principles that will operate under for the grant program and anything that is done in the future as it relates to dealing with broadband and providing technology availability.

Additional discussion has had to address concerns about moving the policy forward without taking the final lead in eventually creating a utility. City Manager Trout noted that a charge for service would be part of a creation of a utility, and that there was currently no intention to pursue that at this time. Chairwoman Hiller sought confirmation that the intention of this policy statement was not to become a utility, but that we are trying to make sure that the function is here. Committee member Dobler stated that although receiving similar policy statements from other entities, the current document being proposed for approval does not commit the City of Topeka to anything except what is written into the document presented. City Manager Trout stated that from a logistical standpoint, the Committee could approve the policy statement now, and the other individuals that have been, or would be, interested in partnering could be notified that the Governing Body would be voting on this item within a month and suggest they look into considering to do the same as well. He noted that the City has already taken the lead position, as the new staff hired are under the City's employment, however there are a lot of strong supporting characters, and he did not feel there would be anything to stop the group from moving forward. Mr. Gowan stated that a policy statement from each entity to establish how they are involved, and that the language would likely be similar although may not be exactly the same. Mr. Gowan felt now would be an appropriate time to move the current policy statement to the Governing Body for recommended approval, as the structures are already in place to move to those next steps. He also felt a statement to include language to the effect that the City is counting on their partners to encourage members of those to support the effort as well.

MOTION: Committee member Dobler made a motion to send the policy statement to the Governing Body with a recommendation for adoption, in January 2022. Committee member Dobler requested City administration seek policy statements from other organizations be presented by that time. Committee member Valdivia-Alcalá seconded. Following comments from Mr. Lazone Grays, Committee member Dobler amended the motion to bring the item to the December 21, 2021 Governing Body meeting rather than waiting until January. Motion as amended approved 3:0.

Mr. Gowan stated he would get the working group together again. He noted that this model was centered on a political entity and the model of the NDIA recommendations that had been provided previously. He noted the group could pull language from the model and draft some statements of support, which might be referendum in some organizations or policy in other organizations. There may be different ways of showing support depending on the organization.

Mr. Grays noted that, as a long-term member of the National Digital Inclusion Alliance, they have been putting on the wording and pressing legislation on the Digital Equity Act. This is part of the Infrastructure bill that was passed and awaiting signature. He had additional information about the broadband additional support for broadband benefit and digital equity act funding that would be expected in the act. As a first point, the digital equity adoption and offering of digital equity would for sure be part of the secured set of funds allocated toward digital inclusion for future monies. NDI had a direct thumbprint on the language put into the digital equity bill. Secondly, the capital projects funds under the ARPA funds is \$10B. Mr. Grays would like to see the City send a request to apply for funding for the Federal Capital Project funds, on our city's behalf. The deadline for that application is December 27, 2021. Mr. Grays stated he would be able to make the connections between pertinent parties if there were questions regarding the application. He referenced a 58 minute video link from the Treasury Department with additional information that he would send to the Committee members. This directly discusses funding digital hubs in facilities and other important pieces of the bill. Chairwoman Hiller inquired if there was anyone from the working group who was acting in an advocate capacity for the City to the State? Mr. Grays responded that the City and County has to make their own request. City Manager Trout noted that the SPARKS Committee at the state level would likely be who was applying for this funding.

Committee member Valdivia-Alcalá inquired if the City has to apply to the State to receive a portion of the municipal funding? Mr. Grays confirmed. Committee member Valdivia-Alcalá inquired if there was a way to utilize the State grant as a vehicle to set up the digital hubs, and then enhance it later? Mr. Grays stated there were some things the ARPA funds would work well for, but that there were some specific areas, such as digital connectivity technology projects, and multipurpose community facility projects which looks at physical facility spaces. Something like Lundgren Elementary would fall in line with this request. For us to have our facilities identified will be specific things that will need to be added.

Chairwoman Hiller noted that a community network could be just as much of having a senior center set up and to ensure that all of the parts will be working to help all of the community. City Manager Trout noted that once the working group had that information, they could send it to him for next steps, as it would not require approval by the Governing Body.

4) Changing the Culture of Property Maintenance

[All items discussed at this meeting will be available to view at:

<https://www.topeka.org/citycouncil/changing-the-culture-of-property-maintenance-public-input-meetings/>]

Chairwoman Hiller noted there were three pieces to be addressed. There is a slightly updated preliminary recommendation, with the idea being to come out of the public input sessions with the set of initiatives and revision of the recommendation ready to be approved by the Committee and moved to the Governing Body for approval.

a. Goal & Challenge Recommendation (video 46:15 minute mark)

City Manager Trout noted that he and staff had developed a definition of “substandard structure”. He noted it likely would not change any of the recommendation, but wanted to share it with the Committee. The brief description of “substandard” would include not having plumbing, or sanitary facilities operating. Without those functions, people should not be living in a house. Life safety issues would also be included. This definition sets a much higher bar than one single violation. While there may be thousands of houses with violations, adhering to this definition will reduce the number of true substandard houses/properties. Chairwoman Hiller expressed concerns that this definition was very similar to the current standards of “uninhabitable”. City Manager Trout felt the definitions were different enough, as someone may be able to live in a home but still need to mow the yard and fix a window.

Committee member Valdivia-Alcalá inquired if there would be any impact on lessening the amount of the houses/properties that receive citations? City Manager Trout stated it did not. There is a need for an agreed upon definition, or it will create more challenges. This definition would not need to be approved today, but will need to happen at some point in order to ensure that Property Maintenance Staff has the same expectation and

definition as the Governing Body. Chairwoman Hiller felt that the recommendation could move forward, but agreed that additional conversation would need to be had regarding the definition of “substandard”.

Chairwoman Hiller noted that if the Committee felt comfortable with moving forward to the Governing Body, the dates listed on the timeline could be kept. Committee member Dobler felt that moving forward with this document forward could allow for the partnerships to begin falling into place.

MOTION: Committee member Valdivia-Alcalá made a motion to move this document to the Governing Body, as a final recommendation from the Public Health & Safety Committee. Committee member Dobler seconded the motion. Motion passed 3:0.

b. Initiatives 2022-2025 (video :09:00 minute mark)

Chairwoman Hiller noted that there had been great attendance and input brought by community members during the course of the seven public input sessions and via email/online forms. From that information, Chairwoman Hiller and Committee member Valdivia-Alcalá created a consolidated document. City Manager Trout requested that some of the Community Engagement pieces to be prioritized, as the full list is extensive and there would be a lot of time involved.

MOTION: Committee member Valdivia-Alcala made a motion to move the Change the Culture of Property Maintenance initiatives proposal to the Governing Body for approval. Committee member Dobler seconded. Motion carries 3:0.

c. Karen Black Consultation Report (video 1:20:00 minute mark)

Committee member Valdivia-Alcalá reported that a video meeting had been held with Attorney Karen Black, Chairwoman Hiller, City Attorney Amanda Stanley, and herself. Ms. Black expressed appreciation for the extensive amount of work that had been done by the Committee, City Staff, and the public input sessions, and stated she was excited for the potential to come to Topeka to consult. Chairwoman Hiller noted similar sentiments. She noted that the work being done was possibly cutting edge on the forefront

of Topeka making these holistic community changes. City Manager Trout stated he would be willing to help with proceeding forward, with detailed parameters, to create an RFP with Ms. Black, but would need additional information from the Committee. He stated that this is not a long process, and that a draft could be created within a few weeks. A funding source would also have to be identified.

5) Other Items

None.

6) Set Next Meeting Date

Next meeting date TBD. Information will follow on the City of Topeka's Public Calendar.

7) Adjourn

Chairwoman Hiller adjourned the meeting at 12:03pm.

Meeting video can be viewed at: <https://youtu.be/fYy5cjTEwGo>



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Stephen Wade, **DOCUMENT #:**
Administrative and
Financial Services
Director
SECOND PARTY/SUBJECT: City of Topeka Year-end **PROJECT #:**
Expenditures
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 12-14-21. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout, authorizing the use of excess funds from the General Fund Balance.

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

(Approval would expenditure of excess General Funds in the amount of \$3,479,000.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required for approval when considered.

POLICY ISSUE:

Whether or not to consider the list of recommended expenditures not to exceed \$3.5 million due to General Fund savings experienced during FY 2021.

STAFF RECOMMENDATION:

Staff is recommending Governing Body move to approve the resolution.

BACKGROUND:

The City is expected to save \$3.5 million in budgeted FY 2021 expenses. The attached list of recommended expenditures (not to exceed \$3.5 million) is allowable under the approved FY 2021 budget.

Total FY 2021 General Fund expenditures cannot exceed \$96,166,940.

BUDGETARY IMPACT:

There is no adverse impact to the FY 2021 City of Topeka Budget.

SOURCE OF FUNDING:

General Fund (\$3.5 million)

ATTACHMENTS:

Description

Resolution

Proposed Year-end Expenditures (Fiscal Year 2021)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Brent Trout, authorizing the use of
4 excess funds from the General Fund balance.

5
6 WHEREAS, Resolution No. 8824 establishes a policy for reserve balances that
7 requires Governing Body authorization to use; and

8 WHEREAS, an excess balance in the General Fund may be used for the following
9 items:

- 10 • One-time expenditures that do not increase recurring operating costs that
11 cannot be funded through current revenues.
- 12 • Establishment of or increase in reserves for risk management programs,
13 equipment replacement, capital projects, emergencies, or disaster recovery.
- 14 • Debt reduction
- 15 • Fund accrued liabilities
- 16 • Increase balance of reserve levels if a future draw down could occur

17 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
18 CITY OF TOPEKA, KANSAS, that:

19 1. There is an excess balance from 2021 in the General Fund in the amount of
20 \$3,479,000.

21 2. Pursuant to Resolution No. 8824, the Governing Body authorizes the
22 following uses for this excess amount:

23	Project Name	Allocation amount
24	AED Units	\$215,000
25	Demolition	\$325,000
26	Menninger Tower	\$400,000
27	HVAC, City Hall	\$1,500,000
28	Patch Truck	\$200,000
29	Code consultant	\$82,000
30	Infill sidewalks	\$400,000
31	Huntoon/Arvonia	\$357,000
32	Total	\$3,479,000
33		

3. All of the above-referenced uses of excess unreserved fund balances meet one or more of the conditions stated in Resolution No. 8824.

ADOPTED and APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

Proposed Year-end Expenditures

(Fiscal Year 2021)

Expenditure	Amount	Notes
AED Units	215,000	Units are expiring in Feb
Demolition	325,000	
Menniger Tower	400,000	Affordable housing initiative
HVAC, City Hall	1,500,000	Life safety issue; combined with \$2 million in remaining CARES funds
Patch Truck	200,000	Emergency replacement
Code Consultant	82,000	Changing the Culture of Property Maintenance
Infill Sidewalks	400,000	Reduces bonding amount
Huntoon/Arvonja	357,000	Reduces bonding amount
	<u>3,479,000</u>	

Alternate Options

FleetTrans Ops	1,400,000
Knuckle Boom Trucks	320,000
FIRM (Other)	1,500,000



City of Topeka
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Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Amanda Stanley DOCUMENT #:
SECOND PARTY/SUBJECT: Compulsory Retirement PROJECT #:
- TMC Chapters 2.30
and 2.35
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 12-14-21. JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Councilmember Neil Dobler, concerning compulsory retirement, amending Chapters 2.30 and 2.35 of the Topeka Municipal Code.

Voting Requirement: At least five (5) votes of the City Council is required. The Mayor does not vote.

(Approval of the ordinance only reinstates compulsory retirement and does not make any other changes.)

VOTING REQUIREMENTS:

Discussion only. At least five (5) votes of the City Council is required when considered on December 21, 2021. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

POLICY ISSUE:

Whether to amend Topeka Municipal Code Chapters 2.30 and 2.35 to require compulsory retirement for the Fire and Police Departments.

STAFF RECOMMENDATION:

Discussion only. Staff recommends the City Council move to adopt the ordinance when considered on December 21, 2021.

BACKGROUND:

When the comprehensive personnel revisions were submitted for Governing Body approval in September 2019, it was recommended that Chapter 2.140 (entitled "Benefits") be repealed in its entirety. Article IV (entitled "Police

and Fire Pension Funds") was part of that chapter. After this occurred; however, it was determined that Section 2.140.280, entitled "Compulsory Retirement" should have been retained due to the fact that the ADEA requires this language to be a "local law" -- which means it needed to be included in the TMC versus the Personnel Manual in order to be relied upon.

Upon recognizing this error, city staff brought an ordinance to the Governing Body for its consideration reinstating compulsory retirement as well as cleaning up other related TMC provisions in March of 2021. On April 6, 2021, Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Padilla failed. Councilmembers Hiller, Duncan, Valdivia-Alcala and Emerson voted "no." (4-4-0)

The ordinance being introduced at the request of Councilmember Dobler only reinstates compulsory retirement and does not make any other changes. The proposed ordinance has been reviewed by Fire and Police Management, the FOP, and the Fire Union.

BUDGETARY IMPACT:

No immediate fiscal impact is anticipated.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by Councilmember Neil Dobler, concerning compulsory
6 retirement, amending Chapters 2.30 and 2.35 of the Topeka
7 Municipal Code.
8

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

10 Section 1. That the Code of the City of Topeka, Kanas is hereby amended by
11 adding a section, to be numbered 2.30.040, which said section reads as follows:

12 **Compulsory Retirement.**

13 All sworn employees of the Fire Department, excepting the Chief of such
14 department, shall be retired from employment in the department no later than the last
15 day of the quarter within which they attain the age of sixty (60) years, except that any
16 current employees of the department who attained the age of sixty (60) years between
17 September 18, 2019 and June 30, 2022 shall have until September 30, 2022 to retire.

18 Section 2. That the Code of the City of Topeka, Kansas is hereby amended by
19 adding a section, to be numbered 2.35.040, which said section reads as follows:

20 **Compulsory Retirement.**

21 All sworn employees of the Police Department, excepting the Chief of such
22 department, shall be retired from employment in the department no later than the last
23 day of the quarter within which they attain the age of sixty-seven (67) years, except that
24 any current employees of the department who attained the age of sixty-seven (67) years
25 between September 18, 2019 and June 30, 2022 shall have until September 30, 2022
26 to retire.

27 Section 3. This ordinance shall take effect and be in force from and after its
28 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 City Council on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Amanda Stanley, City Attorney DOCUMENT #:
SECOND PARTY/SUBJECT: Cochran, William E. - PROJECT #:
Employment Agreement
Interim City Manager
CATEGORY/SUBCATEGORY 007 Contracts and Amendments / 020 Employee Agreements
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of an employment agreement with William E. Cochran to serve as Interim City Manager for the City of Topeka, effective December 31, 2021, at 5:01 p.m. until such time as a permanent City Manager commences employment. *(This item was added to the agenda at the meeting.)*

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Given the recent resignation of City Manager Brent Trout, the Governing Body must designate an Interim City Manager to perform the designated duties as responsibilities required of the City's chief executive officer.

STAFF RECOMMENDATION:

Staff recommended approval of the employment agreement as presented.

BACKGROUND:

Brent D. Trout submitted his letter of resignation as City Manager for the City of Topeka on November 4, 2021, effective December 31, 2021. On December 14, 2021, the Governing approved Resolution No. 9280 designating William E. Cochran as Interim City Manager until such time a permanent City Manager is employed.

BUDGETARY IMPACT:

Annual Salary: \$153,573

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:**Description**

Employment Agreement (Dec 21, 2021)

Resolution No. 9280 - W. Cochran Interim City Manager (Dec 14, 2021)

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT is made and entered into this 21st day of December 2021 (“Execution Date”), by and between the City of Topeka, Kansas, a municipal corporation (the “City”), and William Cochran (the “Employee”).

WHEREAS, the City operates, in accordance with state and local law, as a City Manager form of government; and

WHEREAS, under the Topeka Municipal Code, the City Manager is appointed by the Governing Body and serves at its will and pleasure; and

WHEREAS, the City currently has a vacancy in the position of City Manager and is contracting for the services of an interim City Manager until the City selects its next permanent City Manager; and

WHEREAS, the City desires to retain the Employee to perform professional services on behalf of the City and serve as its City Manager in an interim capacity; and

WHEREAS, Employee possesses the qualifications to perform the duties of interim City Manager and is ready, willing, and able to perform such duties; and

WHEREAS, it is the desire of the City and the Employee to formalize such contractual relationship, all in accordance with the Topeka Municipal Code, the City of Topeka Personnel Manual, the City of Topeka Administrative Rules and Regulations and the laws of the State of Kansas as set forth in this Agreement, and enter into this Employment Agreement, which is supplemental to the City’s standard employment relationship, for the purpose of inducing said Employee to act in the capacity of Interim City Manager until a permanent City Manager commences employment.

NOW THEREFORE, in consideration of the mutual promises herein set forth, the parties agree as follows:

Section 1. Recitals. The Recitals set forth above are incorporated herein by reference.

Section 2. Term.

- a. The term of this Agreement shall be for the period commencing on December 31, 2021, at 5:01 p.m. (“Effective Date”) The Agreement shall continue until such time as the City employs a City Manager on a contractual and non-interim (permanent) basis; unless this Agreement is terminated earlier by the City or the Employee pursuant to Section 6 of this Agreement.
- b. The parties explicitly acknowledge that the City shall seek a permanent City Manager and that the Employee’s obligation to serve as the Interim City Manager and receive certain

compensation and benefits for such interim position pursuant to this Agreement shall terminate upon the starting date of the permanent City Manager. Upon the starting date of the permanent City Manager, the Employee shall have the option to return to the position of Chief of Staff earning the same salary and benefits that he would have enjoyed, adjusted by any intervening changes in salary schedules and benefits had the Employee remained employed as Chief of Staff during the term of this Agreement, except that it shall be presumed that during the term of this Agreement that the Employee did not and would not have received any salary increases as Chief of Staff as a result of any performance evaluations.

Section 3. Duties; Working Hours.

- a. From the Effective Date through the starting date of the permanent City Manager or the effective date of any early termination of this Agreement, the City shall employ the Employee as its City Manager in an interim capacity to perform all functions and duties associated with being the City's chief administrative officer, including all duties set forth in the City's Charter, Municipal Code, other applicable written policies and rules (including all those presently in effect, or as may be amended or supplemented during the term of this Agreement), and such other duties as are assigned from time to time by the City's Governing Body. Employee agrees not to remove or reassign directors and department heads without first providing three days' notice to the Governing Body so that the Governing Body may provide information relevant to the removal or reassignment decision. Employee shall also comply with all lawful Governing Body directives and applicable state and federal law. The Employee shall perform all functions and duties diligently, within reasonable time parameters as may be set by the City's Governing Body, and with the highest degree of professionalism, ethics, integrity, and competency. The Employee shall have all of the authority and powers provided under the laws of the State of Kansas and the ordinances of the City in performing said functions and duties in an appropriate, legally permissible manner. During this period, Employee shall serve only as the City's Interim City Manager and shall not be required to perform functions and duties of the position of Chief of Staff.
- b. The Employee shall be in the exclusive employ of the City, and shall neither accept other employment nor become employed by any other employer while he is serving as the City's Interim City Manager. Employee shall not engage in any activity which is or may become a conflict of interest, as defined by the City's Personnel Manual.
- c. The Employee shall be reasonably available during normal business hours (Monday through Friday between 8:00 a.m. and 5:00 p.m.) and as necessary outside of normal business hours for full and proper performance of all functions and duties as interim City Manager, including attendance at all special and regular meetings of the City's Governing Body.
- d. The Employee's compensation (whether salary or benefits) is not based on hours worked. Furthermore, the interim City Manager position remains an "exempt" classification under the overtime provisions of the federal Fair Labor Standards Act ("FLSA") and the Employee shall not be entitled to any compensation for overtime nor subject to such

overtime provisions of the FLSA. The Employee acknowledges such exempt status of the position.

Section 4. Salary. From the Effective Date through the starting date of the permanent City Manager or the effective date of any early termination of this Agreement, the City shall pay to the Employee as compensation for his services hereunder an annual base salary of One Hundred Fifty-Three Thousand Five Hundred Seventy-Three Dollars (\$153,573.00), payable in installments at such intervals as other City employees are paid. During such time, Employee shall not collect compensation associated with the position of Chief of Staff during this time.

Section 5. Leave and Other Benefits.

- a. The Employee shall have credited to his personal account, at the same rate or rates applicable to such other employees, each type of leave afforded to management employees of the City.
- b. Group insurance, life insurance and all other benefits provided to other employees of the City shall be made available to the Employee on like terms and conditions.
- c. The Employee shall be entitled to severance pay in accordance with Section 6 of this Agreement.
- d. The City agrees to pay for the Employee's membership in the International City/County Management Association, the Kansas City Manager's Association, and one local professional organization.
- e. The City agrees to pay for the Employee's reasonable costs to attend the International City/County Management Association, the National League of Cities, and the League of Kansas Municipalities' annual conferences or conventions.
- f. The City agrees to pay for Employee's reasonable costs to attend short courses or seminars for purposes of continuing education that are deemed reasonably necessary for the good of the City.

Section 6. Termination; Severance; Resignation; Return to Former Position.

a. Termination by City.

- (1) *Without Cause.* The City may terminate the Employee at any time without cause by providing the Employee thirty (30) days prior written notice; or, in lieu thereof, place the Employee on administrative leave status during this thirty (30) day notice period, or any portion thereof. The City shall pay, as severance, a lump sum cash payment equal to one (1) week's -base salary at the Interim City Manager rate for every year of Employee's employment as Chief of Staff or interim City Manager, less any and all applicable or legally required deductions or funds due the City, upon execution of the City's standard release of liability form. The Employee shall also receive all accrued vacation leave and other benefits provided by the City in accordance with its personnel policies, as well as state and federal law, in addition to the extension of the Employee's

participation in the City's health care plan to the same extent as prevailed immediately prior to such termination for the same severance period. The Employee shall not be entitled to assume any further position or continued employment with the City, including reinstatement as Chief of Staff.

- (2) *With Cause.* Should the City terminate the Employee at any time by providing the Employee with written notice of his termination for cause and the reason(s) for said termination, the Employee shall not receive severance pursuant to this section. The term "cause" shall be defined to include (i) breach of this Agreement; (ii) engaging in fraudulent activity; (iii) being charged with any felony; (iv) being charged with any crime of moral turpitude (i.e., offenses contrary to justice, honesty or morality); (v) engaging in illegal or unethical activity that involves personal gain; (vi) material dishonesty, fraud, or misconduct in office; (vii) engaging in willful destruction, theft, misappropriation, or misuse of City property; (viii) engaging in discrimination, harassment, workplace bullying, or retaliation, all as defined in the City's Personnel Manual; (ix) engaging in conduct tending to bring embarrassment or disrepute to the City; (ix) willful and intentional failure to carry out the functions and duties associated with the City Manager position; (x) violation of any federal, state, or local law pertaining to the governance or management of a municipality; or (xi) any other act of a similar nature of the same or greater seriousness. The Employee shall not receive severance in the event he is terminated with cause pursuant to this Section 6 a (2) and shall not be entitled to assume any further position or continued employment with the City, including reinstatement as Chief of Staff.
- (3) *Administrative Leave.* Where there is reason to suspect that cause for termination of the Employee exists under Section 6 a, the Governing Body may place the Employee on administrative leave, pending further investigation and final decision by the Governing Body upon completion of investigation.
- (4) *Death of Employee.* If the Employee dies during the term of this Agreement or otherwise becomes unable to fulfill the essential functions and duties associated with the City Manager position, the City's only obligation to Employee shall be payment of any accrued but unpaid compensation up to the date of death or incapacity plus any other benefits granted other City employees in similar circumstances.
- (5) *Return of City Property.* The Employee agrees that all property, including without limitation all equipment, proprietary information, documents, records, notes, contracts and computer-generated materials furnished to, or prepared by, the Employee incident to his employment are property of the City and shall be returned promptly to the City upon his termination of employment and expiration or early termination of this Agreement.

b. Resignation of Employee. The Employee may resign his employment for any reason, and at any time, with or without cause, by providing the City with no less than thirty (30) days prior written notice; or, in lieu thereof, the City may place the Employee on administrative leave status during this thirty (30) day notice period. The Employee shall not receive severance in the event he resigns his employment with the City pursuant to this Section 6 b.

c. Return to Former Position.

- (1) If the Employee is employed as interim City Manager on the starting date of the permanent City Manager, the Employee shall have the option to return to the position of Chief of Staff upon the start date of the permanent City Manager and earn the same salary and benefits for that position as set forth in Section 2 b. Employee acknowledges that the Chief of Staff serves at the pleasure of the permanent City Manager and may be terminated without cause and that no guarantee is made as to tenure as Chief of Staff upon Employee's return to that former position.
- (2) During the term of this Agreement, the Chief of Staff position shall be considered a temporary position, and, in the event that the City determines that said position should be filled in Employee's absence, it shall be communicated as such. City agrees to inform in writing any person hired to fill such temporary position that Employee has the right to be reinstated in the Chief of Staff position and displace such person.

Section 8. Residency.

- a. The City agrees that Employee shall continue to maintain a residence in in the city limits of Topeka, Kansas in accordance with personnel policies and rules of the City.

Section 9. Other Terms and Conditions of Employment.

- a. Unless specifically addressed in this Agreement, all provisions of the City's Municipal Code and other policies, rules, and regulations of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, and other benefits and working conditions, as they now exist or may hereafter be amended, shall apply to the Employee in the same way as to other management employees of the City.
- b. The City, in consultation with the Employee, may fix any such other terms and conditions of employment relating to the performance of the Employee as it deems appropriate from time to time; provided, however, that such terms and conditions are not inconsistent, or in conflict, with the express provisions of this Agreement, the City charter or any other law or regulation. No such additional terms or conditions shall be effective unless first reduced to writing and mutually agreed to and signed by the Employee and the City.
- c. Employee shall not be eligible for the permanent City Manager position.

Section 10. Risk Allocation.

- a. The parties acknowledge the applicability of the Kansas Tort Claims Act, K.S.A. 75-6101, et seq. (the "KTCA"), to the Employee. The Employee shall be afforded all of the rights and protections afforded public employees generally pursuant to the KTCA, including but not limited to those rights and protections relating to alleged violations of state or federal civil rights laws. The Employee may be afforded such additional rights and protections with respect to civil actions to which he is made a party, as the City may from time and time deem appropriate.

- b. The Employee shall keep all personal vehicles used for official business in good cosmetic and operating condition, and shall maintain continuously in force with respect to all such vehicles a policy of liability insurance having a combined limit of at least \$500,000 for bodily injury and property damage. The Employee shall provide the City's Risk Management office with appropriate proof of compliance with the insurance requirements of this Section, with such proof of compliance to be so furnished upon the renewal date of such policy or upon the date a new policy shall be issued.

Section 11. Performance Evaluation.

- a. The Governing Body of the City shall provide clear guidance to the Employee regarding issues, priorities and expectations and shall consult with the Employee on a bi-monthly basis, or more frequently upon Governing Body's request, to ensure adequate communication and direction on performance of the Employee.
- b. In implementing the provisions of this Section, the parties agree to abide by all applicable laws.

Section 12. Bond. The City shall bear the full cost of any fidelity or other bonds required of the Employee.

Section 13. General Provisions.

- a. The parties acknowledge that this Agreement is a public record and subject to disclosure under the Kansas Open Records Act.
- b. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
- c. This Agreement constitutes the entire Agreement of the parties and supersedes any and all prior oral or written Agreements between the parties. Neither party shall rely upon any verbal representations, either express or implied, not specifically stated herein. This Agreement shall not be amended, modified, or assigned except by written Agreement of both parties.
- d. Other than provisions relating to the Employee's obligation to serve as the Interim City Manager, this Agreement shall be binding upon and inure to the benefit of the heirs and executors of the Employee.
- e. Except as expressly provided herein, neither party shall assign rights or delegate duties arising from this Agreement without first obtaining the express written consent of the other.
- f. This Agreement may be signed by electronic signature, which will be deemed to be an original signature. This Agreement may be executed in counterparts, each of which shall be deemed to be an original copy, and all of which shall be deemed to constitute one and the same instrument.
- g. **This Agreement is governed by the laws of the State of Kansas.**

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

CITY OF TOPEKA, KANSAS

By: _____
Michelle de la Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

EMPLOYEE

William Cochran

1
2
3 **RESOLUTION NO. 9280**

4 A RESOLUTION introduced by Deputy Mayor Michael Padilla concerning the
5 designation of an Interim City Manager.

6 WHEREAS, the Governing Body has accepted City Manager Brent Trout's
7 resignation which is effective on December 31, 2021, at 5:00 p.m.; and

8 WHEREAS, as the City Manager is responsible for administering the affairs of the
9 City by entering into contracts and performing other duties set forth in the Topeka
10 Municipal Code, it is necessary to appoint an Interim City Manager to continue
11 administering the affairs of the City until such time as the Governing Body appoints a
12 permanent City Manager; and

13 WHEREAS, TMC A2-51 and A2-53 authorize the Governing Body to appoint a City
14 Manager who serves at the pleasure of the Governing Body.

15 NOW THEREFORE, BE IT RESOLVED THAT THE GOVERNING BODY, hereby
16 authorizes William Cochran to serve as Interim City Manager beginning December 31,
17 2021, at 5:01 p.m. Mr. Cochran will serve at the pleasure of the Governing Body or until
18 such time as a permanent City Manager is employed.

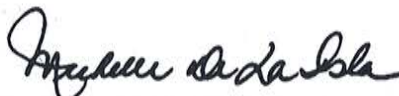
19 ADOPTED and APPROVED by the Governing Body on December 14, 2021.

20 CITY OF TOPEKA, KANSAS



26 ATTEST:

27
28
29
30
31



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 21, 2021

DATE:	December 21, 2021	
CONTACT PERSON:	Brent Trout, City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	DREAMS Proposal	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION regarding the City of Topeka DREAMS Proposal.

(The proposal consists of hybrid model alternates yearly funding between the SORT concept (single neighborhood) and the DREAMS concept (multi-neighborhood)).

VOTING REQUIREMENTS:

Discussion only.

POLICY ISSUE:

Whether or not to approve the DREAMS proposal recommending pilot changes to explore re-deploying SORT investments to more than one neighborhood per year. The proposal would address more NIAs annually that allow all levels of health (intensive care, at risk and out-patient) to be addressed more frequently.

STAFF RECOMMENDATION:

Discussion only. Staff recommends approval of the program as formulated.

BACKGROUND:

The concept of the DREAMS program was developed from a grass roots citizen effort that was brought to staff by Councilwoman Hiller. The concepts were reviewed by staff and developed in to the proposal that is attached. The purpose of the change from doing SORT every year to doing SORT and DREAMS program every other year is intended to support improving our neighborhoods in need of the most support with SORT and supporting neighborhoods that need some projects completed but would otherwise not utilize SORT. The programs utilize the same amount of funding designated for capital improvements and housing. The DREAMS year grants will be spread to multiple neighborhoods versus one in the SORT program. The spreading of the funding will allow more

neighborhoods see capital improvements in their neighborhood. The concept is being brought before you now in anticipation of the budget cycle when a decision will be required in order to guide capital improvement planning.

BUDGETARY IMPACT:

There would be no increased budgetary impact as SORT funding would not be affected.

SOURCE OF FUNDING:

Housing and Urban Development Grant Funding

ATTACHMENTS:

Description

DREAMS (SORT) Recommendations (Draft) Dec 16, 2021

SORT/DREAMS

Staff Recommendations

By employing key SORT concepts over the last 20 years – collaborative planning between professional staff and residents, strategic targeting of investments, maximizing impacts in a neighborhood - quantifiable improvements to neighborhood health have been made that otherwise would not have been afforded. For example, the share of Out Patient NIA block groups has doubled (18% vs 35%) while the share of Intensive Care NIAs block groups was nearly cut in half (29% vs 17%) since 2000. Also, 76% of all NIAs have adopted plans now. Not only is NIA health in better shape after these past 20 years but it has a stronger foundation of strategic planning. This should afford us to look differently at how we deploy SORT funds.

The DREAMS proposal would redistribute the current dollars associated with SORT for more NIAs without increased funding. This would create smaller slices of the same pie siphoning off critical resources, coordination, and impact to our most distressed At Risk/Intensive Care areas. In our professional judgment, more scattered/smaller efforts and less robust targeting may not “move the needle” at a scale Intensive Care neighborhoods need.

While Topeka still has seriously distressed areas (intensive care), we don’t have as many which may make this a good time to explore re-deploying SORT investments to a broader footprint than just one neighborhood per year. With a strong foundation of plans in place, there is credence in trying to address more NIAs than current processes allow and to be more nimble to opportunities beyond the single neighborhood per year model. The neighborhood investment model in the Neighborhood Element of the Comprehensive Plan always envisioned some level of maintenance for lower priority health areas to keep them from sliding into At Risk or Intensive Care categories. The triage method of attending to the patient with highest life-threatening needs has worked well but our success also allows us to give attention to all patients more frequently.

So while staff does NOT recommend abandoning SORT for our neediest areas, we do recommend pilot changes to address more NIAs annually that allow all levels of health – intensive care, at risk, and out-patient – to be addressed more frequently. Those recommended changes include:

- Adopt a hybrid model that alternates yearly funding between the SORT concept (single neighborhood) and the DREAMS concept (multi-neighborhood).
- Consolidate programming under the DREAMS title...
 - a. DREAMS 1 or Topeka DREAMS (old SORT - single NIA)
 - b. DREAMS 2 or Topeka DREAMS (old SORT - multiple NIAs)
 - c. DREAMS 3 or Neighborhood DREAMS (old Empowerment - multiple NIAs)
- Annual budgets for all DREAMS programs will total as follows:
 - \$1.7M or \$1.84 CIP/GO for infrastructure
 - \$350K (approx.) HOME for housing
 - \$60K CDBG for community development

- DREAMS 1/2 will start application process in 2022 (workshop, consults, selection, etc.). DREAMS 1 will repeat a 4-year cycle that includes a full planning year. DREAMS 2 will repeat a 3-year cycle without a full planning year. Both include 2 years of implementation.
- For DREAMS 2, utilize current neighborhood plans to select projects and continue to prioritize “target areas”. Any deviations or additions should meet with staff concurrence and be incorporated into future neighborhood plan updates. Establish rotation schedule to offer neighborhood plan updates for neighborhoods in non-DREAMS 1 year.
- Consolidate application and selection process for DREAMS 1/2 to take place every other year.
- Maintain same level of engagement during staff Engineering/Utility consults as under SORT which includes higher level scoping pre-application and more refined scoping post-selection.
- The pool of eligible NIAs for DREAMS 1 will be restricted to those with Intensive Care or At Risk block groups in danger of becoming Intensive Care (health scores = 2.0 or lower from latest health update). We recommend a one-cycle waiting period before selected NIAs can apply again. The current DREAMS 1 pool based on 2020 Neighborhood Health includes:
 1. Central Park (eligible in 2024)
 2. Downtown
 3. Hi-Crest
 4. Historic Holliday Park
 5. Historic North Topeka East
 6. Historic Old Town
 7. Monroe
 8. Tennessee Town
 9. Ward-Meade
- The pool of eligible NIAs for DREAMS 2/3 applications will not be restricted and may include those NIAs not selected from the DREAMS 1 pool. DREAMS 2 NIAs should spend all past DREAMS awards before applying again.
- DREAMS will continue to be a competitive processes with selections being recommended by the CAC to the Governing Body. Staff will still perform internal review for technical feasibility and compliance with local/state/federal requirements. Highest scoring NIA from DREAMS 1 pool receives \$1.7M/\$350k. Highest scoring remaining DREAMS 2 NIAs (up to 4) divides \$1.7M/\$350k in alternate year.
- Continue Infill Sidewalk/Pedestrian Plan implementation as already scheduled in the Pedestrian Master Plan but factor into scoring of any DREAMS 1/2 proposals.
- DREAMS 1/2 funds may be matched with other project line items (e.g., ½ cent sales tax, Ped Plan, etc.) to achieve a fully completed project

DREAMS 1/2 Bi-Annual Application Schedule

March	Informational Workshop & Applications Available
March	NIA reviews plan and conducts goal setting for “dreams”
April-June	NIA's consult with Community Engagement, Engineering, Housing, Planning, and Utilities on potential projects
July	Applications Due to Community Engagement/Internal Staff Review Recommendations
August	CAC Selection --DREAMS 1 (single NIA) --DREAMS 2 (multiple NIA's)
September/October	Presentation to City Council and approval
October-February	DREAMS 1 – Planning staff preps for kick-off meeting DREAMS 2 - Hand-off of projects to Engineering/Housing/Utilities for implementation

DREAMS 1/2 Schedule by Year

Program	Application/ Selection	Planning	Design	Construction
DREAMS 1 NIA	Year 1	Year 2	Year 3	Year 4
DREAMS 2 NIA's	Year 1	Year 1	Year 2	Year 3

DREAMS 1/2 Schedule by NIA

Year	NIA #1	NIA #2-5
2022	App/Selection	App/Selection/Plan
2023	Planning	Design
2024	Design	Construction
2025	Construction	

DREAMS 3 Annual Application Schedule

March	Informational Workshop & Applications Available
March	NIA reviews plan and conducts goal setting for “dreams”
April-June	NIA's consult with Community Engagement, Engineering, Housing, Planning, and Utilities on potential projects
July	Applications Due to Community Engagement/Internal Staff Review Recommendations
August	CAC Selection --DREAMS 3 (multiple NIA's)
September/October	Presentation to City Council and approval
November/December	Hand off projects to Engineering and others for implementation



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: Stephen Wade, Director of Administrative Services
DOCUMENT #:
SECOND PARTY/SUBJECT: Annual Percentage Goals M/W/DBE Utilization - TMC 3.30.460(b)(3)
PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION concerning the established annual goals for the utilization of M/W/DBE businesses as part of the objectives set forth in the TMC 3.30.460(b)(3).

(The discussion item provides an overview of the established 2022 Utilization Goals and does not make changes.)

VOTING REQUIREMENTS:

Discussion only.

POLICY ISSUE:

Pursuant to TMC 3.30.460(b)(3)(iii) The City Council shall consider goals for the City's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization in conjunction with the annual setting of budget priorities. (Ord. 20206 § 12, 9-10-19; Ord. 19433 § 2, 6-15-10. Formerly 2.135.130.)

STAFF RECOMMENDATION:

Discussion only.

BACKGROUND:

During the last three years, the members of the Program Review Committee have worked to develop the Program Review Committee Regulations document and outline the purpose, objectives, and goals related to the utilization and participation of minority business enterprises, women business enterprises, and disadvantaged business

enterprises (M/W/DBE). The Program Review Committee is responsible for establishing and presenting annual goals to the City Manager for the utilization of M/W/DBE businesses as part of the objectives set forth in the TMC 3.30.460(b)(3).

The City Council shall consider goals for the City's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization in conjunction with the annual setting of budget priorities. (Ord. 20206 § 12, 9-10-19; Ord. 19433 § 2, 6-15-10. Formerly 2.135.130.)

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

2022 Annual Utilization Goal Recommendation Packet
Program Review Committee Regulations v.9.2021
TMC 3.30.460(b)(3)



CITY OF TOPEKA

Division of Contracts & Procurement
City Hall, 215 SE 7th Street, Room B60
Topeka, KS 66603

Tel: 785-368-3749
Fax: 785-368-4499
procurement@topeka.org

To: Brent Trout, City Manager

From: Program Review Committee Members
Jacque Russell, Director of Human Resources
James Jackson, Director of Public Works
Stephen Wade, Director of Administrative and Financial Services
Leigha Boling, Director of Contracts and Procurement
Robert Bidwell, Manager of Pavement Improvements
Kathleen Burrows, Business Services Manager, Program Review Committee Liaison Officer (PRCLO)

Date: December 1, 2021

Subject: 2022 Annual M/W/DBE Utilization Goal Recommendation

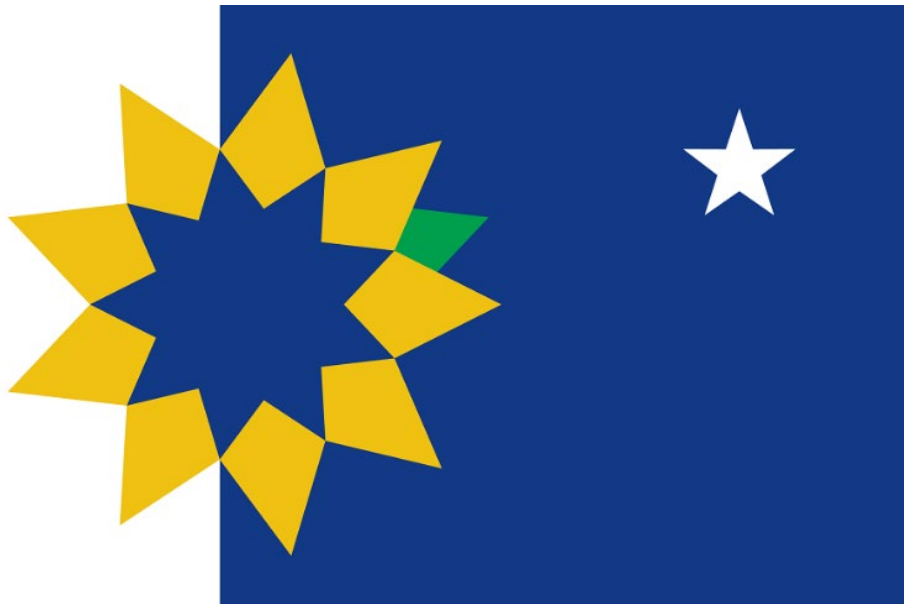
During the last three years, the members of the Program Review Committee have worked to develop the [Program Review Committee Regulations document](#) and outline the purpose, objectives, and goals related to the utilization and participation of minority business enterprises, women business enterprises, and disadvantaged business enterprises (M/W/DBE). The Program Review Committee is responsible for establishing and presenting annual goals to the City Manager for the utilization of M/W/DBE businesses as part of the objectives set forth in the [TMC 3.30.460\(b\)\(3\)](#).

Using the calculation method defined in [Section 12 of the Regulations document](#), the average utilization during the years of 2019 and 2021 of M/W/DBEs was 35%. Performance years used to determine the utilization were 2019 and 2020 as shown in **Exhibit A** attached. The utilization goal established by the Program Review Committee for the fiscal year 2021 was 35%.

The Program Review Committee is recommending an increase for the year 2022 of 5.684% regarding overall utilization. 2022 Goals are calculated from percentage of progress from 2020 Actuals to 2021 Q1-3 Actuals plus the 2021 Adopted Goals, giving an overall goal increase of 5.684% for Awards to Diverse Vendors. This 2022 utilization goal for M/W/DBE businesses, with consideration to previous years and forecasting trends, is recommended to be 41.017%. The committee feels strongly that this goal is attainable. The Contracts and Procurement Division, in partnership with supporting local organizations, has scheduled outreach to encourage more diverse businesses to seek opportunities with the City.

Exhibit A

CATEGORIES	2019 Actual	2020 Actual	2021 Adopted Budget Book	2021 (Quarters 1-3)	2022 Goals
Total number of bid events released to the public	197	189	190	191	192
Total number of bid events awarded to all vendors	182	148	150	147	148
Total number of bid events awarded to diverse vendors	71	51	53	70	61
Diverse vendor awards as a percent	39.011%	34.459%	35.333%	47.619%	41.017%
Total dollars paid to all vendors by purchase order	174,052,693	171,528,909	171,000,000	97,899,562	171,000,000
Dollars paid to diverse vendors by purchase order	7,635,239	7,298,151	7,600,000	5,041,788	7,700,000
Diverse vendor spending by purchase order as a percent	4.387%	4.255%	4.444%	5.150%	4.503%



CITY OF TOPEKA

PROGRAM REVIEW COMMITTEE REGULATION STATEMENT

(Affirmative action programs, Chapter 3.30.460 TMC)

(1) Objectives

Review and evaluate the City's minority business enterprise, women business enterprise, and disadvantaged business enterprise utilization herein referred to as "M/W/DBE".

(2) Applicability

City Contracts:

- A. Establish annual percentage goals for the utilization of minority business enterprise, women business enterprise, and disadvantaged business enterprise participation considering the following factors:
 - 1. The number and type of contracts awarded
 - 2. The number and type of minority, women, and socially and economically disadvantaged contractors available and operating within the Topeka area
 - 3. Past results of the City's minority business enterprise, women business enterprise, and disadvantaged business enterprise utilization
- B. Review and analyze on a quarterly basis, minority business enterprise, women business enterprise, and disadvantaged business enterprise requirements, including:
 - 1. Evaluating methods for achieving utilization goals
 - 2. Guidelines for ascertaining contractor compliance with the City's policies
- C. Report to the Governing Body on a quarterly basis, through the City Manager, the findings from the review and analysis of minority business enterprise, women business enterprise, and disadvantaged business enterprise participation and utilization.
 - 1. The Governing Body shall consider goals for the City's minority business enterprise, women business enterprise, and disadvantaged business enterprise utilization in conjunction with the annual setting of budget priorities. (Ord. 20206 § 12, 9-10-19; Ord. 19433 § 2, 6-15-10.)

(3) Definitions of Terms

The terms used in this policy have meanings defined in [49 CFR §26.5](#).

"City" The City of Topeka is herein referred to as "City".

"City Manager" The individual appointed official who directs and administers all City staff.

"Program Review Committee" The committee as outlined per Topeka Municipal Code 3.30.460 (b) (3) is a three member committee (or more) under the appointment of the City Manager, which is established for the purpose of reviewing and evaluating the City's minority business enterprise, women business enterprise, and disadvantaged business enterprise utilization.

"Program Review Committee Liaison" Individual responsible for maintaining reporting, compliance, and management of overall Program Review Committee program as described in this policy. Refer to *Section 8 Program Review Committee Liaison Officer (PRCLO)*.

"Vendor" A tax-registered company, verified by the City Accounts Payable Division and issued payments by the City.

(4) Record Keeping Requirements

The City will make every attempt to work with various agencies to identify M/W/DBE firms, and to assist firms with self-identifying under the appropriate M/W/DBE classification when registering in the City procurement system. The City will collect this information in the following ways:

1. Annually obtain directories, from the two agency resources as mentioned in Section 9 Directory and determine the relative availability of M/W/DBEs in the area.

The purpose of these requirements are to allow the use of a bidder's list approach to aid in calculating future overall goals. All reporting will include the bidder's name, address, and self-elected business diversity classification.

An internal annual review of payments made to M/W/DBE to ensure that the actual amounts paid to M/W/DBEs equal the original dollar amounts stated in the original contract.

The City will require all bidders to provide their name, address, and self-elected business diversity classification during the e-Procurement registration process. This will allow for the development of the following record collection:

1. The City will make available upon request, a bidders list consisting of information about all M/W/DBE and non-M/W/DBE firms that bid or quote on all e-Procurement issued solicitations.
2. The City will make available upon request, a bidders list of actual payments to M/W/DBE firms for work committed to them at the time of contract award.
3. The City will make available upon request, a bidders list of actual payments to M/W/DBE firms for work committed to them throughout the term of a contract.
4. The City will make available upon request, a bidders list of actual payments to M/W/DBE firms for work committed to them throughout the term of a project in which resulted from being awarded a bid or quote on an e-Procurement issued solicitations.

(5) Reporting to City Manager

The City will report M/W/DBE participation to the City Manager as follows:

1. The Department of Administrative and Financial Services will submit the "Vendor Diversity Report" in each quarterly financial report that is published detailing dollars paid as defined by categories of vendor diversity codes.
2. The Program Review Committee Liaison will:
 - A. Report M/W/DBE participation as outlined in section (2) Applicability.
 - B. Provide upon request through the City Manager, any reporting capabilities as outlined in section (4) Record Keeping Requirements.

(6) Required Contract Clauses

The City will ensure that the following clause is stated in every contract:

"The contractor agrees: (a) to comply with all federal, state, and local laws and ordinances prohibiting unlawful discrimination and to not unlawfully discriminate against any person because of age, color, disability, familial status, gender identity, genetic information, national origin or ancestry, race, religion, sex, sexual orientation, veteran status or any other factor protected by law in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer;" and (c) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor. The contractor understands and agrees that the failure to comply with the requirements of this paragraph may constitute a breach of contract, and the contract may be cancelled, terminated or suspended, in whole or in part by the City of Topeka."

(7) **Program Review Committee Program Updates**

The City will continue to carry out this program until otherwise instructed by the City Manager, or amended in the City of Topeka Municipal Code, Affirmative action programs, Chapter 3.30.460 by the Governing Body.

The Program Review Committee Liaison will provide to the City Manager and Program Review Committee members, updates representing significant changes in program activities or reporting results.

(8) **Program Review Committee Liaison Officer (PRCLO)**

The Program Review Committee has designated the following position as its M/W/DBE Liaison Officer:

Division of Contracts and Procurement Business Services Manager

City of Topeka

215 SE 7th Street, Room B60

Topeka, KS 66603

(785) 368-3749

procurement@topeka.org

In this capacity, the PRCLO is responsible for implementing all aspects of the M/W/DBE program and ensuring that the City complies with all provisions in Federal, State, and local anti-discrimination laws. The PRCLO has direct, independent access to the City Manager concerning M/W/DBE program matters. The Director of Contracts and Procurement will devote a portion of his or her time to the M/W/DBE program and will assist the PRCLO in administering the Program.

The PRCLO is responsible for developing, implementing, and monitoring the City's M/W/DBE program in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gather and report statistical data and other information as required by the City of Topeka Municipal Code, Affirmative action programs, Chapter 3.30.460.
2. Gather and report statistical data and other information as requested by the City Manager.
3. Review contracts for compliance with this program.
4. Works with all Departments to outline potential vendor community outreach activities.
5. Ensure that bids and solicitation notices are available to M/W/DBEs.
6. Analyze the City's progress towards goal attainment and identifies ways to improve progress.
7. Advises the Program Review Committee and the City Manager on M/W/DBE matters and achievement.
8. Provide M/W/DBEs with information and assistance in the submissions of bids.
9. Attend national and state M/W/DBE training seminars.
10. Provide outreach to M/W/DBEs and community organizations to advise them of opportunities.
11. Review directories of certified M/W/DBEs compiled by local agencies.

(9) **Directory**

The City uses the M/W/DBE directories published by the following agencies to identify additional firms recognized as M/W/DBEs. The individual directories are available at the listed internet addresses or through the Equity and Opportunity Officer at The Greater Topeka Partnership (GTP).

Agency	Internet Address
The Greater Topeka Partnership (GTP) Equity & Opportunity Officer	https://www.topekapartnership.com/the-gtp/the-gtp-team/
Kansas Department of Commerce Office of Minority and Women Business Development Directory	https://kansascommerce.secure.force.com/mwbds/

(10) Fostering M/W/DBE Business Participation

The City will institute an annual goal for participating in local, diverse, and small business events. The City will implement this in the following ways:

1. The City will capture event information from the agencies listed in *Section 9 Directory* on a quarterly basis.
2. The City will, as able collaborate and partner with local, regional, and national agencies to empower the initiatives that are encouraging stronger partnerships with M/W/DBEs.
3. The City will offer technical assistance and training to M/W/DBEs that are in pursuit to do business with the City. The objectives of these programs are:
 - I. Support startup or expansion of new companies.
 - II. Assist M/W/DBEs with technical assistance and locating information related to City government.
 - III. Increase awareness of related work opportunities in the Topeka area.
 - IV. Strengthen and develop community programs to support M/W/DBE business needs.
 - V. Circulate upcoming contracting opportunities and training classes in utilizing the City's e-Procurement system for bidding.

(11) Overall Goals

In accordance with Affirmative Action Programs, Chapter 3.30.460 TMC (b) (3), the Program Review Committee will submit its annual M/W/DBE goals as indicated in *Section 2. Applicability* to the City Manager. These goals shall be established for each up-coming fiscal year. Results shall be reported to the City Manager, prior to December 15 of the current year ending; upon consideration of the factors mentioned in *Section 2. Applicability*.

The City will establish contract goals only on the Kansas Department of Transportation (KDOT) or any other federally funded or assisted contracts that have subcontracting responsibilities. Goals will be expressed as a percentage of the total amount of all KDOT or federally funded and assisted contracts. The City need not establish a contract goal on every such contract.

The City has established an overall annual goal of 35 percent of M/W/DBE participation in City issued bid solicitations released to the public. This goal is based upon evidence of the available M/W/DBEs relative to all businesses available to participate in bids. Per section 3.30.460(b)(3) Affirmative action programs of the Topeka Municipal Code, a Program Review Committee has been established for the purpose of reviewing and evaluating the City's minority, women, and disadvantaged business enterprise utilization. The Program Review Committee reports their review of participation and utilization of these business enterprises on a quarterly basis to the City Manager. This goal reflects the level of M/W/DBE participation anticipated, absent the effects of discrimination. To calculate the City M/W/DBE goal, the base figure calculation was measured by the volume of work M/W/DBEs performed in recent years thus utilizing the average of the two measures.

The City will help and support the efforts of the GTP to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the opportunities for M/W/DBEs, and City's efforts to establish a level playing field for the participation of M/W/DBEs. Before establishing the overall goal, the City of Topeka will consult with women, minority, M/W/DBE, non-M/W/DBE business communities, and organizations within the Topeka and Shawnee County area. The City will conduct four (4) annual public meetings to collaborate with vendors. Each year the City will seek joint sponsors for these meetings with the GTP.

(12) Calculation Method

To calculate the City M/W/DBE goals, the base figure calculation is averaged with the amount of work M/W/DBE businesses performed during the last two (2) years, thus utilizing the average of the two (2) measures below. The City has employed a two (2) step process to calculate its M/W/DBE program goals.

Step 1: Determine a base figure for the relative availability of M/W/DBEs in the area.

1. Calculate the self-identified available M/W/DBEs (located in *Section 9. Directories*), to the number of all available firms.
2. Compare City registration records to the GTP M/W/DBE list to ensure no duplication of listings occur.

The Step 2: Review the base figure determined in the Step 1 above to arrive at the overall goal that reflects, as accurately as possible, the M/W/DBE participation the City would expect in the absence of discrimination.

1. The City did not have an active Program Review Committee prior to 2019; therefore, the City did not have defined M/W/DBE goals or processes.
2. The following is an example used in the 2022 Budget Book that outlines these M/W/DBE goals. Reports to produce include:
 - (a) Lawson PO254 PO Inquiry Report: This report shows the total dollars paid to vendors by purchase order.
 - (b) Lawson Infor BI Diverse Report: This report shows the total dollars paid by purchase order to vendors by diversity code from the vendor's accounts payable profile.
 - (c) Landmark Rich Client Diversity Participation by Category Report: This report shows the total number of bid events that were awarded in the system and from that number, the total number of bid events that were awarded to diverse classified vendors (as a reminder, vendors in this system self-register and elect their diversity codes).
 - (d) Lawson Infor BI Rich Client Bid Award Report: This report provides an overall list of all bid events created and released to the public.

	Actual FY 2019	Actual FY 2020	Target FY 2021	Target FY 2022
Performance Measures				
Total dollars paid to all vendors by purchase order	174,052,693	171,528,909	171,000,000	171,000,000
Dollars paid to diverse vendors by purchase order	7,635,239	7,298,151	7,600,000	7,700,000
Diverse vendor spending by purchase order as a percent	4.387%	4.255%	4.444%	4.503%
Total number of bid events awarded to all vendors	182	148	150	150
Total number of bid events awarded to diverse vendors	71	51	53	55
Diverse vendor awards as a percent	39.011%	34.459%	35.333%	36.667%
Total number of bid events released to the public	197	189	190	192

*Diverse Vendor Classifications: AFRIC, ASIAN, DIS, FEM, HISP, MIN, VET

*Diverse Vendor Classifications Do Not Include: NONE, OTHER, SMALL

(13) Goal Accountability

If the fiscal yearend results are less than the established goals, the City will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments; and
2. Establish specific steps and milestones to correct the deficiencies in order to obtain future goals.

This analysis and corrective action plan will be disseminated to the City Manager, and will be available for public review on the City's website once the City Manager approves of the corrective action steps. The PRCLO will be responsible for monitoring the action plan.

(14) KDOT and Federally Funded or Assisted "Good faith Efforts"

In those instances where a contract-specific M/W/DBE goal is included in a procurement solicitation, the City will not award the contract to a bidder who does not meet the contract goals with verified M/W/DBE participation or documentation that proves adequate "good faith efforts" were used to meet the M/W/DBE contract goals even though the goal was not obtained. It is the obligation of the bidder/respondent to demonstrate it has made sufficient "good faith efforts" prior to submission of its bid. Forms and information required for the submission of proposals in response to bidding must be provided by bidders/respondents as outlined in any KDOT program. KDOT and any federal grant forms certifying subcontracting was done by following the guidelines and M/W/DBE goals outlined in the bid documents are required as part of these bid submissions.

The PRCLO, the Procurement Buyer, the City of Topeka Department Representative, and the KDOT or federal agency partnering with the City for the intent of awarding a bid are all responsible for determining whether a bidder/respondent who has not met the contract goal has documented sufficient "good faith efforts" to be regarded as responsive.

(15) Certification

The City of Topeka does not require M/W/DBE certification by any agency in order for any organization to self-certify as a supplier or vendor when registering to do business with the City of Topeka. The City of Topeka is not a certifying agency. Organizations are welcome to provide certification documents from any of the following agencies to support their certification as eligible M/W/DBEs. For information about the certification process, or to apply for certification, firms should contact one of the following agencies.

The Greater Topeka Partnership (GTP) Equity & Opportunity	The Greater Topeka Partnership Equity and Opportunity 719 S Kansas Ave, Suite 100 Topeka, KS 66603 (785) 234-2644 https://www.topekapartnership.com/the-gtp/the-gtp-team/
Kansas Department of Commerce	Office of Minority and Women Business Development 1000 SW Jackson, Suite 100 Topeka, KS 66612 (573) 751-2859 https://www.kansascommerce.gov/program/business-incentives-and-services/mw-development/
Kansas Department of Transportation	KDOT Office of Contract Compliance Eisenhower State Office Building 700 SW Harrison Street, 3 rd Floor West Topeka, KS 66603 https://www.ksdot.org/divadmin/civilrights/
Missouri Department of Transportation	MoDOT Equal Opportunity and Diversity Division 830 MoDOT Drive PO Box 270 Jefferson City, MO 65102 https://www.modot.org/equal-opportunity-and-diversity-division

(16) Information, Confidentiality, Cooperation

The City of Topeka will safeguard from disclosure to third parties information that may reasonably be regarded as confidential information, consistent with federal, state, and local law.

The City of Topeka is a municipal government requires that all vendors comply with the provisions of KSA 44-1030. The Kansas Open Records Act (KORA), KSA 45-215 et seq., and TMC 2.10.030 through TMC 2.10.130 govern the City of Topeka's responses to requests for records. The City is not required to answer questions or create documents in order to fulfill a request. Records not yet in existence are not subject to KORA.

(17) Monitoring and Enforcement Mechanisms/Legal Remedies

The City of Topeka has available several remedies to enforce the M/W/DBE requirements contained in its Formal Construction contracts, including, but not limited to, the following:

1. Breach of, or rejection of, bids submitted with no certificate of compliance per the Contracts and Procurement Division Document 840 submission requirements, pursuant to TMC 3.30.460(a); and
2. Breach of contract action, pursuant to the terms and conditions of the contract

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the M/W/DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Fraudulent application submission pursuant to 49 CFR parts 23 and 26
4. Prosecution pursuant to 18 USC 1001

3.30.460 Affirmative action programs.

(a) *Submission of Program.* All persons seeking to enter into a contract with the City shall submit in writing to the Contracts and Procurement Division either an affirmative action program, a certificate of compliance, or such other certificate as is acceptable to the Contracts and Procurement Division which evidences the adoption of an affirmative action program. Such affirmative action program, certificate of compliance or other certificate shall be approved and on file with the Contracts and Procurement Division, or such plan shall be submitted with the contract bid. If no affirmative action plan is submitted with the contract bid, the bid will be considered nonresponsive and will not be accepted. If any person shall fail or refuse to submit an affirmative action program as required by this article, such person shall be ineligible to enter into any City contract until the person has so complied.

(b) *Review by Contracts and Procurement Division.*

(1) *Affirmative Action Program.* The Contracts and Procurement Division shall receive and review affirmative action programs submitted to it, and shall approve any such program or shall specify in writing any modification of the program needed to make it conform to the requirements of this article; provided, that prior to final rejection of the program, the Contracts and Procurement Division shall advise and consult with the person submitting such program for the purpose of assisting the person to develop an acceptable affirmative action program.

(2) *Certificates of Compliance.* The Contracts and Procurement Division shall receive and accept certificates of compliance as conforming with the terms of this article respecting submission of affirmative action programs.

(3) *Program Review Committee.* A program review committee shall be established for the purpose of reviewing and evaluating the City's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization. The committee members shall be designated by the City Manager. There shall be at least three members of the committee and other members may be added by the City Manager. The Director of the Human Resources Department, the Director of the Public Works Department, and the Director of the Contracts and Procurement Division shall all be members of the committee. All recommendations and determinations of the review committee may be appealed to the City Manager, whose decision shall be final and binding. The committee shall have the following duties and responsibilities:

- (i) Establish, on an annual basis, percentage goals for the utilization of minority business enterprise, women business enterprise and disadvantaged business enterprise participation on City contracts. Goals shall be established upon consideration of the following factors: The number and type of contracts to be awarded, the number and type of minority, women, and socially and economically disadvantaged contractors available, and past results of the City's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization.
- (ii) Review and analyze, on a quarterly basis, minority business enterprise, women business enterprise and disadvantaged business enterprise requirements, to include evaluating the methods for achieving

utilization goals and the guidelines for ascertaining contractors' compliance with the City's policies and procedures.

(iii) Report to the City Council on a quarterly basis, through the City Manager, the findings from the review and analysis of minority business enterprise, women business enterprise and disadvantaged business enterprise participation and utilization. The City Council shall consider goals for the City's minority business enterprise, women business enterprise and disadvantaged business enterprise utilization in conjunction with the annual setting of budget priorities. (Ord. 20206 § 12, 9-10-19; Ord. 19433 § 2, 6-15-10. Formerly 2.135.130.)

Cross References: City Council – Mayor, Chapter [2.15](#) TMC; Human Resources Department, TMC [2.20.040](#); Public Works Department, TMC [2.20.100](#); boards, commissions and committees, TMC [2.205.010](#) et seq.

The Topeka Municipal Code is current through Ordinance 20320, passed October 5, 2021.

Disclaimer: The City Clerk's Office has the official version of the Topeka Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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[City Website: www.topeka.org](http://www.topeka.org)

[Code Publishing Company](#)



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 21, 2021

DATE: December 21, 2021
CONTACT PERSON: DOCUMENT #:
SECOND PARTY/SUBJECT: Public Comment PROJECT #:
Protocol
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:
PUBLIC COMMENT PROTOCOL
VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

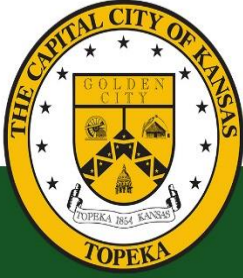
BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Zoom Meeting Protocol - Public Comment
Procedures for Addressing the Governing Body



CITY OF TOPEKA

City Clerk
City Hall, 215 SE 7th Street, Room 166
Topeka, KS 66603
www.topeka.org

Brenda Younger, M.M.C.
785-368-3940
Email: byounger@topeka.org

Zoom Meeting Protocol Public Comment

- 1) Make sure your **Zoom name, email and/or phone number** matches what was submitted to the City Clerk when you signed up for public comment. **Any misnamed or unauthorized users will not be admitted to Zoom.**
- 2) Please keep your **mic muted** and your **camera off** until you are called by the Mayor to give your comment.
- 3) If you are cut off during your comment time due to an internet connection or technical issue, you will need to submit your comments in writing to the City Clerk at cclerk@topeka.org or 215 SE 7th Street, Room 166, Topeka, KS 66603 for attachment to the minutes.
- 4) If you break any of the public comment rules, you will receive one warning from the Mayor. If you continue any prohibited behavior, you will be removed from the Zoom meeting room and will not be allowed to rejoin.
- 5) Public comment is limited to four minutes. You may receive an extension at the discretion of the Governing Body. The timer will be visible to you in the 'City of Topeka Admin' window on the Zoom app. Call-in users will hear one beep when a minute is remaining and then another beep when time has expired.
- 6) Please **do not share the Zoom login information** with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

PROCEDURES for Addressing the Governing Body

In accordance with Governing Body Rules, the following protocols for public comment apply.

- Each person shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.
- The following behavior will not be tolerated from any speaker:
 - Uttering fighting words
 - Slander
 - Speeches invasive of the privacy of individuals (no mention of names)
 - Unreasonably loud speech
 - Repetitious speech or debate
 - Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding officer (Mayor). If the behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be removed from the Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.