



# City Council Committee Meeting Notice

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

**Committee:** Policy & Finance

**Meeting Date:** June 10, 2025

**Time:** 10:00am

**Location:** 1<sup>st</sup> Floor Conference Room, Cyrus K. Holliday Building  
620 SE Madison (*a virtual attendance option is available*)

**Agenda:**

1. Call to order
2. Approve May 14, 2025 Meeting Minutes
3. Action Items:
  - a. Ordinance - Update Anti-discrimination policies - Amending
4. Public Comment
5. Adjourn

STAFF REQUESTED: Dr. Robert M. Perez, City Manager  
Braxton Copley, Deputy City Manager  
Avery Moore, Assist City Manager  
Amanda Stanley, City Attorney

COMMITTEE MEMBERS: Marcus Miller – District 6  
Spencer Duncan (Chair) – District 8  
Michelle Hoferer – District 9

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# CITY OF TOPEKA

## CITY COUNCIL COMMITTEE MEETING MINUTES

### POLICY AND FINANCE COMMITTEE

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

Date: May 14, 2025

Time: 11:00am

Location: 1<sup>st</sup> Floor Conference Room, Cyrus K. Holliday Bldg. 620 SE Madison (*a virtual attendance option is available*)

**Committee members Present:** Spencer Duncan (chair), Marcus Miller, Michelle Hoferer

**City Staff Present:** City Attorney Amanda Stanley, Senior Attorney Geoff Lydick, Deputy Director Public Works Jason Tryon, Division Director Development Services Richard Faulkner, Planning & Development Director Rhiannon Friedman, Division Director Housing Services Carrie Higgins, Management Analyst Planning & Development Quinn Cole

#### 1) Call to Order

Committee Chair Duncan called the meeting to order at 11:00am.

#### 2) Approve March 25, 2025 Meeting Minutes

Committee member Hoferer made a motion to approve the minutes from the previous meeting. Committee member Miller seconded. Motion approved 3-0-0.

#### 3) Presentation: Affordable Housing

Planning & Development Director Rhiannon Friedman spoke to the presentation on affordable housing with rehabilitation programs and the economic development for incentive housing. She spoke to the 2020 Citywide Housing study that defined the need for (1) Market Rate Multifamily (2) Missing middle infill (3) New single family (4) Affordable housing (5) Rehab and renovation.

Division Director Housing Services Carrie Higgins, Management Analyst Planning & Development Quinn Cole spoke to each Council District and gave a detailed summary giving a three-year funding and how many units/homes are impacted by Housing Service programs.

**District 1: Housing Services:** Accessibility-13 homes, Emergency Repairs-27 homes, Property Maintenance Rehab-6 homes, Topeka Opportunity to Own (TOTO)-2 homes, Weatherization-15 homes. Planning and Development Services: New builds-6 permits, RHID & LIHTC-190 units, NRP-4 properties. Project: Cornerstone of Topeka.

**District 2: Housing Services:** Accessibility -13 homes, Emergency Repairs-27 homes, Property Maintenance Rehab-6 homes, Topeka Opportunity to Own (TOTO)-2 homes, Weatherization-15 homes. Planning and Development Services: New Builds-43 permits, RHID-15 units, NRP-2 properties. Project: Riverstone Subdivision RHID.

**District 3: Housing Services:** Accessibility-17 homes, Community Housing Development Organization (CHDO) - 10 homes, Emergency Repairs-40 homes, Property Maintenance Rehab-7 homes, SORT/DREAMS-1 home, Topeka Opportunity to Own (TOTO)-1 home, Weatherization-30

1 - Policy and Finance Committee

Minutes Taken: May 14, 2025

Minutes Approved:

Minutes Submitted By: TLB

homes. Planning and Development Services: · New Builds-58 permits, RHID & LIHTC-60 units, RHID - 42 units, NRP - 5 properties. Project: Cornerstone of Topeka and Eastgate Subdivision RHID.

**District 4:** Housing Services: Accessibility-14 homes, Emergency Repairs -21 homes, Property Maintenance Rehab-1 home, SORT/DREAMS-6 homes, Topeka Opportunity to Own (TOTO)-3 homes, Weatherization-14 homes. Planning and Development Services: New Builds-42 permits, NRP - 1 property. Project: TOTO House-Colorado Avenue.

**District 5:** Housing Services: Accessibility-7 homes, Community Housing Development Organization (CHDO)-4 homes, Emergency Repairs-25 homes, Property Maintenance Rehab-4 homes, SORT/DREAMS-4 homes, Topeka Opportunity to Own (TOTO)-1 home, Weatherization 8 homes. Planning and Development Services: New Builds-69 permits, LIHTC-24. Project: CHDO-SENT Net Zero Homes.

**District 6:** Housing Services: Accessibility-3 homes, Emergency Repairs-18 homes, SORT/DREAMS-7 homes, Topeka Opportunity to Own (TOTO)-1 home, Weatherization-5 homes. Planning and Development Services: New Builds-9 permits. Project: TOTO Program.

**District 7:** Housing Services: Accessibility-2 homes, Emergency Repairs-4 homes. Planning and Development Services: New Builds-20 permits. Project: Emergency Repair-Sewer and waterlines.

**District 8:** Housing Services: Accessibility-1 home, Emergency Repairs-5 homes, Weatherization-4 homes. Planning and Development Services: New Builds-23 permits, RHID-20 units. Projects: Emergency Repair-Furnace Replacement and Sherwood Professional Park RHID.

**District 9:** Housing Services: Accessibility-3 homes, Emergency Repairs-6 homes, Property Maintenance Repair-1 home, Topeka Opportunity to Own (TOTO)-1 home, Weatherization-2 homes. Planning and Development Services: New Builds-18 permits. Project: Weatherization-Door and window repairs.

Planning & Development Director Rhiannon Friedman provided the Citywide Summary and a visual summary for January 2022-May 2025. Housing Services: Accessibility-66 homes, Community Housing Development Organization (CHDO)-16 homes. Emergency Repairs-169 homes. Property Maintenance Rehab-28 homes. SORT/DREAMS-21 homes. Topeka Opportunity to Own (TOTO)-14 homes. Weatherization-89 homes. Planning and Development Services-New Build Permits-288 permits (represents 700 units). RHID & LIHTC- 250 units. RHID-77 units. LIHTC-24 units.

Committee member Marcus Miller requested a visual summary of District 6 to show Planning & Development.

Committee chair Spencer Duncan referenced the 2020 Housing Study. He requested to have Planning & Development Director Rhiannon Friedman provide a presentation update for the Policy & Finance committee.

#### 4) Action Items:

##### a.) 2024 Uniform Plumbing Code (UPC) Proposed Adoption

Division Director of Development Services Richard Faulkner spoke to the Board of Plumbing Appeals; the 2024 Uniform Plumbing Code is recommending the City of Topeka adopt the code. The code is the most current code and addresses changes in the industry and will improve safety in the community. He added that best practice is to update within 9 years of the latest code. He spoke to neighboring cities in Kansas are using the International Code and the City of Topeka uses the Uniform Code. The International Code tends to refer to an additional code books

for a complete implementation of the regulation. The Uniform Code gives more comprehensive information for contractors.

Richard Faulkner added information on the Board Plumbing Appeals and the review process. Plumbing inspectors also serve as liaisons to the board as they conduct the review. He expressed the importance to have a board made up of people in the field and inspectors. He continued to add the recommendation includes a 50% cut incorporated into the code and believes it reflects positively on the plumbing board and their commitment to their trade. Lastly, he added staff supports the board's recommendation to adopt the 2024 UPC.

Committee chair Spencer Duncan asked if the Plumbing Board is full. Richard Faulkner confirmed it is full.

Committee chair Spencer Duncan referenced two codes that are reaching 15 years. He referenced the International Energy Conservation Code for residential and ADA Standards for Accessible Design. Faulkner stated that due to concern from residential builders from increases in construction costs it was determined to stay with the 2009 Energy Conservation Code. He continued to add that the ADA Standards for Accessible Design does not have an updated version.

Committee chair Spencer Duncan and Committee member Marcus Miller concurred the importance to review the exceptions to the 2009 Energy Conservation Code codes for developers and homeowners. Faulkner stated that he would report back to the Policy and Finance Committee on a review.

MOTION: Committee chair Duncan made a motion to approve and move forward to the Governing Body for action. Committee member Hoferer seconded. Motion approved 3-0-0.

#### **b.) Downtown Parking**

City Attorney Amanda Stanley stated at the Governing Body meeting May 6, 2025 the proposed Downtown Parking ordinance and resolution was voted to return to the Policy & Finance Committee for review of codes and review suggestions by Councilmembers Karen Hiller and Neil Dobler.

Deputy Director Public Works Jason Tryon spoke to the proposed ordinance amended version dated May 6, 2025 Line 142 stating 'No parking meter zones shall be established on Kansas Avenue Between 6<sup>th</sup> Avenue and 10<sup>th</sup> Street'. He added that currently there is no parking meters on Kansas Avenue and is restricted to a 2-hour parking limit. He continued to speak to the suggestions by Councilmember Hiller and summarized (1) elimination of the College Hill TIFF district (2) eliminating language of physical meters and hoods and using terms for appropriate signage for time restricted parking (3) using words where appropriate "payment or payment method" (4) using language to state how much parking you are getting for the amount of money is being paid (5) increase cost range to \$120.

City Attorney Stanley stated that there should be consideration of whether a resolution is needed and for the ordinance include specifics for dates.

Committee chair Duncan asked for confirmation on the current ordinance as written allows the City to move forward the parking garage rates. Stanley responded there was no action needed to clarify the garage rates.

Committee chair Duncan supports the proposed ordinance amendments that Councilmember Karen Hiller provided; besides College Hill language.

MOTION: Committee chair Duncan made a motion to adopt the ordinance, with Hillers amendments, and move forward to the Governing Body for action. Committee chair Miller seconded. Motion approved 3-0-0.

Committee chair Duncan supports Councilmember Neil Dobler proposed amendment regulating parking downtown for no metered parking zones on Kansas Avenue between 6<sup>th</sup> Avenue and 10<sup>th</sup> Street.

Committee member Hoferer asked for clarification on Food Truck parking and reserved loading zones. Tryon stated space can be reserved for the purpose of operating a food truck provided the applicant has a downtown business address. He added there would be stalls with signage to allow a 15-minute zone specified for loading and unloading. The proposal is to have one 15-minute zone stall every half block, not directly in front of a particular business.

City Attorney Stanley stated the proposed amendments from Councilmember Hiller and Dobler that there will need to have some changes for language in regards to referencing the amendments to ensure there are no conflicts.

Councilmember Hiller spoke to having the proposed ordinance give City staff the authority to set prices on particular parking stall rates. She added her support for City Attorney Stanley's suggestion to have the ordinance only. She also expressed the importance to keep in mind the pricing to benefit the businesses to help them thrive.

MOTION: Committee chair Duncan made a motion to adopt the language of no parking meter zones shall be established on Kansas Avenue between 6<sup>th</sup> and 10<sup>th</sup> Street, subject to wordsmithing the changes from proposed Hiller amendments, and move forward to the Governing Body for action. Committee chair Miller seconded. Motion approved 3-0-0.

Deputy Director Public Works Tryon spoke to the implementation date which is currently set by City staff. The proposed start date would be January 1, 2026 on 100 blocks east and west of Kansas Avenue. He spoke to parking garages that are currently under renovation; once they are fully accessible then rates would go into force.

City Attorney Stanley stated the ordinance directs staff to have an implementation date, but the resolution sets the dates.

Committee chair Duncan supports the Governing Body having the opportunity to have discussion for the resolution implementation date.

MOTION: Committee chair Duncan made a motion to approve the amendment to add January 1, 2026 start date for parking meters on the blocks on the 100 blocks of Kansas and move forward to the Governing Body for action. Committee member seconded. Motion approved 3-0-0.

#### **5.) Discussion: Claims made by the City of Topeka**

Senior Attorney Geoffrey Lydick spoke to the consideration of an ordinance for a policy change to allow the City of Topeka to file lawsuits and pursue claims for damages caused to City property. The ordinance would give authority to initiate, file and prosecute a civil lawsuit, in the name of and on behalf of the City, so long as the initial damages claimed by the City do not exceed \$35,000.00 at the time of filing. He continued to speak to the process of approval from the Governing Body if there is litigation on a small claim and stated the benefit to having strategy and efficiencies for the Governing Body and staff to help with recovery results. He provided common examples of claims of damage to water/sewer lines from contractors or a car driver knocks down a street light.

Committee chair Duncan spoke to the language of the ordinance. He confirmed it would apply to any civil litigation and a threshold of \$35,000. He referenced certain lawsuits and cited the Christopher Imming case from 2015; he believes such litigation cases should not be tied to a dollar amount and should go before the Governing Body. He requested the language be clarified.

City Attorney Amanda Stanley supports clarifying the language and added that the emphasis is on tort claims for the proposed ordinance.

Committee member Miller thanked Geoffrey Lydick for his presentation.

City Attorney Amanda Stanley thanked staff member Geoffrey Lydick for the suggestion of the ordinance to the Legal team to help the City of Topeka save money and have more efficiencies.

MOTION: Committee chair Duncan made a motion to approve, with adding clarifying legal language, and move forward to the Governing Body for action. Committee member Miller seconded. Motion approved 3-0-0.

#### **6.) Other Items**

Committee chair Duncan stated there will be a Policy & Finance Committee meeting the end May or early June 2025 concerning the proposed ordinance updating anti-discrimination policies in the Topeka Municipal code.

**7.) Public Comment**

No individuals signed up for Public Comment.

Committee chair Duncan adjourned the meeting at 12:09 p.m.

The video of this meeting can be viewed at: <https://youtu.be/mhDlzbH2vbg>



**City of Topeka  
Policy &  
Finance  
Committee**

620 SE Madison St.  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)

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**DATE:** June 10, 2025

**CONTACT PERSON:** Amanda Stanley, City Attorney

**SUBJECT:** Anti-discrimination policies - Amending

**PROJECT #:**

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**DOCUMENT DESCRIPTION:**

Updating anti-discrimination policies in the Topeka Municipal code, amending and repealing original § 2.105.010, § 2.105.040, § 2.105.050, § 7 2.255.040, § 3.30.440, § 3.30.470, § 3.30.480, § 9.20.020 and § 8 9.20.030 and repealing in their entirety § 2.20.120, § 3.30.420 9 and § 3.30.460.

**ATTACHMENTS:**

Ordinance (Dated 5/27/25)  
Ordinance (Dated 4/22/25)



(Published in the Topeka Metro News \_\_\_\_\_)

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

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, updating anti-discrimination policies in the Topeka Municipal code, amending and repealing original § 2.105.010, § 2.105.040, § 2.105.050, § 2.255.040, § 3.30.440, § 3.30.470, § 3.30.480, § 9.20.020 and § 9.20.030 and repealing in their entireties § 2.20.120, § 3.30.420 and § 3.30.460.

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

Section 1. That section 2.20.120, Office of Diversity, Equity and Inclusion, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Office of Diversity, Equity and Inclusion.~~**

~~Created — Officer. There is hereby created an Office of Diversity, Equity and Inclusion. The Officer shall be appointed by the City Manager and be known as the Chief Diversity, Equity and Inclusion Officer. The City Manager, pursuant to Charter Ordinance No. 94, shall be responsible for supervising and evaluating the performance of the Officer.~~

Section 2. That section 2.105.010, Policy, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Policy.**

(a) Policy Statement. It is the policy of the City to ~~take affirmative action to achieve~~provide equal ~~treatment, diversity and inclusion~~opportunity when employing individuals and not to discriminate against any individual based on his/her age, color, disability, familial status, ~~gender identity~~, genetic information, national origin, ancestry, race, religion, sex which includes gender identity and sexual orientation per the United States Supreme Court in Bostock v. Clayton County Georgia 590 U.S. 644 (2020),

30 ~~sexual orientation,~~ veteran status or any other factor protected by law (“protected  
31 class”). This shall apply to all personnel actions and procedures including, but not  
32 limited to, recruitment, hiring, training, transfer, promotion, compensation and other  
33 benefits.

34 (b) General Objectives. It is the objective of the City to develop procedures for  
35 monitoring the application flow, final hiring, and disposition of all applicants in  
36 accordance with equal opportunity law.

37 ~~(1) Intensify efforts to recruit applicants within a protected class for every level~~  
38 ~~of responsibility;~~

39 ~~(2) Develop special training programs to qualify persons within a protected class~~  
40 ~~for beginning level positions and for advancement; and~~

41 ~~(3) Develop procedures for monitoring the application flow, final hiring and~~  
42 ~~disposition of persons within a protected class.~~

43 (c) Administrative Responsibility. The City Manager and all department directors  
44 shall be responsible for ensuring that the City is in compliance with equal opportunity  
45 law when employing individuals within all departments in accordance with the equal  
46 employment opportunity policy. ~~takes affirmative action to achieve equal opportunity,~~  
47 ~~inclusion and diversity when employing individuals within all departments in accordance~~  
48 ~~with the equal employment opportunity/affirmative action policy. The Office of Diversity,~~  
49 ~~Equity and Inclusion, in conjunction with the Director of Human Resources or designee,~~  
50 ~~shall be responsible for developing recruitment and training programs to include~~  
51 ~~employment goals for each City department.~~

52 Section 3. That section 2.105.040, Reports and records, of The Code of the

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

**Reports and records.**

The Director of Human Resources or designee shall comply with required equal employment opportunity/~~affirmative action~~ reporting. Position interview records and information related to new hires, transfers, promotions and terminations shall be maintained by the Human Resources Department.

Section 4. That section 2.105.050, Equal Opportunity Officer of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Equal Opportunity Officer.**

(a) Designated Officer. The ~~Chief Diversity, Equity and Inclusion Officer~~Human Resources Director is designated as the Equal Opportunity Officer to ensure equal employment opportunities.

(b) General Duties. It shall be the duty of the Equal Opportunity Officer to:

(1) Conduct periodic departmental reviews to determine compliance with the City's equal employment opportunity/~~affirmative action~~ policy;

(2) Report results obtained, problems encountered, and/or resistance or failure to implement the equal employment opportunity/~~affirmative action~~ policy to the Governing Body, City Manager and Human Relations Commission and provide recommendations to resolve any problems identified; and

(3) Serve as a consultant to the Governing Body, City Manager and department directors in developing recruitment programs, selection procedures, training programs or other personnel functions necessary to implement the City's equal employment opportunity/~~affirmative action~~ policy; and

~~(4) Recruit personnel in such a manner that clearly demonstrates the City's interest in employing persons within a protected class; and~~

~~(5) Establish communication with institutions and organizations that provide referral of qualified applicants within a protected class for available positions.~~

Section 5. That section 2.255.040, Duties and responsibilities, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Human Relations Commission; Duties and responsibilities.**

The Commission shall:

(a) Support and advise the City of Topeka in its efforts to eliminate prejudice on the basis of membership in a protected class described in TMC 9.20.020, further goodwill among all people of the City and promote cooperation and conciliation within the City.

(b) Select one or more issues or topics of special focus to conduct research on, advocate on behalf of, and/or develop policy recommendations relating to, which shall be adopted on an annual basis by February 1st. The chosen issue or topic may be directly or indirectly related to the City of Topeka government and/or in the greater City of Topeka community. The Commission may produce progress reports, engage with staff, and/or engage with the Governing Body in this process. Results shall be reported in the Commission's Annual Report.

(c) Engage in one or more of the following activities relating to the Commission's mission and/or chosen issue or topic:

(1) Hold Town Hall meetings and public forums;

(2) Conduct inclusive outreach and education activities and develop

resources relevant to human and civil rights issues;

(3) Partner with related organizations and groups;

(4) Develop and administer annual and/or periodic programs recognizing individuals and/or organizations who have advanced the mission of the Human Relations Commission;

(5) Refer public concerns related to civil ~~rights~~, and human rights, ~~and affirmative action~~ to the appropriate agency and/or Governing Body for the sole purpose of providing assistance and support to the aggrieved party or parties as they pursue redress; and/or

(6) Develop and recommend policy and/or administrative changes to the City Manager and Governing Body when the Commission finds a special need for such or deems necessary because of concerns received under subsection (c)(5) of this section.

(d) Review quarterly ~~affirmative~~-contracting reports and report concerns to the City Manager.

(e) Review quarterly reports from the Independent Police Auditor and report any concerns to the City Manager.

(f) By February 1st on an annual basis, the Commission shall prepare and submit an annual report to the Governing Body of the Commission's activities, identifying issues and problem areas within the Topeka community and, after reviewing the performance of the Commission during the year, propose any modifications to this chapter and Chapters 2.105, 2.250, and 9.20 TMC that would improve the effectiveness of the Commission and better fulfill the antidiscrimination policies of the City.

122           Section 6.   That section 3.30.420, Incorporation of affirmative action, of The  
123 Code of the City of Topeka, Kansas, is hereby repealed:

124           **~~Incorporation of affirmative action.~~**

125           ~~All affirmative action procedures required for public contracts shall be applicable~~  
126 ~~and are incorporated by reference.~~

127           Section 7.   That section 3.30.440, Definitions, of The Code of the City of  
128 Topeka, Kansas, is hereby amended to read as follows:

129           **Definitions.**

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

133           ~~“Affirmative action program” means a positive program designed to ensure that a~~  
134 ~~good faith effort will be made to employ applicants and to treat employees during~~  
135 ~~employment equally without regard to their race, religion, creed, color, sex, disability~~  
136 ~~which is unrelated to the ability to perform a particular job or occupation, national origin,~~  
137 ~~ancestry or age. Such program shall include, where applicable, but not be limited to, the~~  
138 ~~following:~~

139           ~~(1) Recruitment and recruitment advertising;~~

140           ~~(2) Employment, including upgrading, promotion, demotion, transfer, layoff or~~  
141 ~~termination;~~

142           ~~(3) Rates of pay or other forms of compensation;~~

143           ~~(4) Other terms or conditions of employment; and~~

144           ~~(5) Selection for training, including apprenticeship.~~

145           ~~The program shall include goals, methods and timetables for implementation of~~  
146           ~~the program.~~

147           ~~“Certificate of compliance” means a written certificate issued by a State or~~  
148           ~~Federal agency charged with administration of a governmentally recognized affirmative~~  
149           ~~action program stating that the person named in the certificate is in compliance with the~~  
150           ~~terms of an affirmative action program filed by the named person with the State or~~  
151           ~~Federal agency.~~

152           “Contract” means any contract, agreement, purchase order or arrangement  
153           required or permitted by the ordinances of the City to which the City shall be a  
154           contracting party and which shall hereafter be entered into or renewed, except the  
155           following:

156           ~~(1) Emergency requisitions for goods, supplies and services as provided for by~~  
157           ~~the Contracts and Procurement Division;~~

158           ~~(2)~~     Imprest accounts in the nature of petty cash funds;

159           ~~(3)~~     Any bona fide religious institutions with respect to any qualifications for  
160           employment when such qualifications are related to a bona fide religious purpose; and

161           ~~(4)~~     Any type of employment where religious creed, national origin or ancestry  
162           would be considered an essential qualification for employment. or

163           ~~(5) Contracts for goods, supplies or services, the cost of which will not exceed~~  
164           ~~\$15,000; provided, however, that if any contractor shall do a total annual business with~~  
165           ~~the City in excess of \$15,000, such contractor shall submit an affirmative action~~  
166           ~~program in writing to the Contracts and Procurement Division. For the purposes of this~~  
167           ~~article, total annual business shall be measured by the amount of business done by the~~

168 ~~contractor with the City during either the current or the preceding fiscal year of the City.~~

169 “Contracting agency” means any department, agency, commission or authority of  
170 the City which enters into contracts.

171 “Contractor” means any individual, partnership, corporation, association or other  
172 entity, or any combination of the foregoing, which enters into a contract with the City  
173 ~~and which has four or more employees during the term of the contract with the City.~~

174 “Disadvantaged business enterprise” means small business concerns controlled  
175 by socially and economically disadvantaged individuals or women.

176 “Minority business enterprise” means a business at least 51 percent of which is  
177 owned and operated by a minority or by minority group members or, in the case of a  
178 publicly owned business or corporation, at least 51 percent of the stock of which is  
179 owned by minority group members.

180 “Performance of work” means the furnishing of any personal service, labor,  
181 materials or equipment used in the fulfillment of a contractor’s obligation under a City  
182 contract.

183 “Person” means any natural person, contractor, subcontractor, supplier of goods  
184 or services, or any agent, servant or employee of any of the foregoing. As used in this  
185 article, the word “person” is a generic term unless the context clearly indicates  
186 otherwise.

187 “Subcontractor” means, in a construction project, any individual, partnership,  
188 corporation, association or other entity, or any combination of the foregoing, who shall  
189 undertake, by virtue of a separate contract directly with the general contractor awarded  
190 the construction project, to fulfill all or any part of any contractor’s obligation, exclusive



191 of a contract solely to furnish supplies, ~~and who has four or more employees during the~~  
192 ~~term of the subcontract.~~

193 “Women business enterprise” means a business at least 51 percent of which is  
194 owned and operated by a woman or by women or, in the case of a publicly owned  
195 business or corporation, at least 51 percent of the stock of which is owned by a woman  
196 or women.

197 Section 8. That section 3.30.460, Affirmative action programs, of The Code of  
198 the City of Topeka, Kansas, is hereby repealed:

199 **~~Affirmative action programs~~**

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

211 ~~(b) Review by Contracts and Procurement Division.~~

212 ~~(1) Affirmative Action Program. The Contracts and Procurement Division shall~~  
213 ~~receive and review affirmative action programs submitted to it, and shall approve any~~

214 ~~such program or shall specify in writing any modification of the program needed to make~~  
215 ~~it conform to the requirements of this article; provided, that prior to final rejection of the~~  
216 ~~program, the Contracts and Procurement Division shall advise and consult with the~~  
217 ~~person submitting such program for the purpose of assisting the person to develop an~~  
218 ~~acceptable affirmative action program.~~

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

222 ~~(3) Program Review Committee. A Program Review Committee shall be~~  
223 ~~established for the purpose of reviewing and evaluating the City's minority business~~  
224 ~~enterprise, women business enterprise and disadvantaged business enterprise~~  
225 ~~utilization. The Committee members shall be designated by the City Manager. There~~  
226 ~~shall be at least three members of the Committee and other members may be added by~~  
227 ~~the City Manager. The Chief Diversity, Equity and Inclusion Officer, the Director of the~~  
228 ~~Public Works Department, and the Director of the Contracts and Procurement Division~~  
229 ~~shall all be members of the committee. All recommendations and determinations of the~~  
230 ~~review committee may be appealed to the City Manager, whose decision shall be final~~  
231 ~~and binding. The committee shall have the following duties and responsibilities:~~

232 ~~(i) Establish, on an annual basis, percentage goals for the utilization of minority~~  
233 ~~business enterprise, women business enterprise and disadvantaged business~~  
234 ~~enterprise participation on City contracts. Goals shall be established upon consideration~~  
235 ~~of the following factors: the number and type of contracts to be awarded, the number~~  
236 ~~and type of minority, women, and socially and economically disadvantaged contractors~~

237 available, and past results of the City's minority business enterprise, women business  
238 enterprise and disadvantaged business enterprise utilization.

239 (ii) ~~Review and analyze, on a quarterly basis, minority business enterprise,~~  
240 ~~women business enterprise and disadvantaged business enterprise requirements, to~~  
241 ~~include evaluating the methods for achieving utilization goals and the guidelines for~~  
242 ~~ascertaining contractors' compliance with the City's policies and procedures.~~

243 (iii) ~~Report to the Governing Body on a quarterly basis, through the City~~  
244 ~~Manager, the findings from the review and analysis of minority business enterprise,~~  
245 ~~women business enterprise and disadvantaged business enterprise participation and~~  
246 ~~utilization. The Governing Body shall consider goals for the City's minority business~~  
247 ~~enterprise, women business enterprise and disadvantaged business enterprise~~  
248 ~~utilization in conjunction with the annual setting of budget priorities.~~

249 Section 9. That section 3.30.470, Contract conditions, of The Code of the City  
250 of Topeka, Kansas, is hereby amended to read as follows:

251 **Contract conditions.**

252 (a) Contents, Posting. All contracts to be executed by the City shall contain  
253 language therein requiring as a condition thereof that all persons contracting with the  
254 City shall not discriminate against any person in the performance of work under the  
255 contract because of age, race, sex, creed, color, disability which is unrelated to the  
256 ability to perform a particular job or occupation, familial status, genetic information,  
257 religion, national origin, ancestry or age, race, religion, sex which includes gender  
258 identity and sexual orientation per the United States Supreme Court in Bostock v.  
259 Clayton County Georgia 590 U.S. 644 (2020), veteran status or any other factor

260 protected by law, except by reason of demonstrably valid occupational disqualification.

261 Each person will post the office of employment of its premises with notices setting forth  
262 both the above-stated provisions and that the person agrees to abide by such  
263 provisions, ~~including implementation of the affirmative action program submitted in~~  
264 ~~connection with the contract.~~ The contractor shall be bound by both the terms of this  
265 section and the rules and regulations. In all solicitations or advertisements for  
266 employees, the contractor shall include the phrase “equal opportunity employer” or a  
267 similar phrase to be approved by the Contracts and Procurement Division.

268 (b) Failure to Comply – Breach of Contract. If a contractor shall fail, refuse or  
269 neglect to comply with the terms of the contract conditions, such failure shall be deemed  
270 a total breach of the contract, and such contract may be terminated, canceled or  
271 suspended, in whole or in part, and such contractor may be declared ineligible for any  
272 further City contracts for a period of up to one year; provided, that if a contract is  
273 terminated, canceled or suspended for failure to comply with this section, the contractor  
274 shall have no claims for damages against the City on account of such termination,  
275 cancellation or suspension or declaration of ineligibility.

276 Section 10. That section 9.20.020, Policy, of The Code of the City of Topeka,  
277 Kansas, is hereby amended to read as follows:

278 **Policy.**

279 The practice or policy of discrimination against persons by reason of their age,  
280 color, disability, familial status, ~~gender identity,~~ genetic information, national origin or  
281 ancestry, race, religion, sex which includes gender identity and sexual orientation per  
282 the United States Supreme Court in Bostock v. Clayton County Georgia 590 U.S. 644

(2020), ~~sexual orientation~~, veteran status or any other factor protected by law (“protected class”) is a matter of concern to the City, since such discrimination not only threatens the rights and privileges of the inhabitants of the City but also menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the City, in exercise of its police power for the protection of the public safety, health and general welfare, for the maintenance of business and good government, and for the promotion of the City’s trade and commerce, to eliminate and prevent discrimination or segregation based on a protected class. It is further declared to be the policy of the City to assure equal opportunity and encouragement for every person, regardless of their membership in a protected class, to secure and hold, without discrimination, employment in any field of work or labor for which the person is otherwise properly qualified; to assure equal opportunity for all persons within this City to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges and advantages of all governmental departments or agencies; and to assure equal opportunity for all persons within this City in housing.

Section 11. That section 9.20.030, Civil rights declared, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Civil rights declared.**

(a) The right of an otherwise qualified person to be free from discrimination because of that person’s ~~actual or perceived~~ age, color, disability, familial status, ~~gender identity~~, genetic information, national origin or ancestry, race, religion, sex which includes gender identity and sexual orientation per the United States Supreme Court in Bostock v. Clayton County Georgia 590 U.S. 644 (2020), ~~sexual orientation or veteran~~

status, or any other factor protected by law is recognized as, and declared to be, a civil right. This right shall include, but not be limited to, all of the following:

(1) The right to obtain and hold employment and the benefits associated therewith without discrimination.

(2) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public accommodation without discrimination.

(3) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.

(4) The right to exercise any right granted under this chapter without suffering coercion or retaliation.

(b) Because Federal and State law consistently address unlawful discriminatory and retaliatory practices related to the above-described civil rights, a separate enforcement procedure is not created.

Section 12. That original § 2.105.010, § 2.105.040, § 2.105.050, § 2.255.040, § 3.30.440, § 3.30.470, § 9.20.020 and § 9.20.030 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 13. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 14. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 15. 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

329 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

330 PASSED AND APPROVED by the Governing Body on \_\_\_\_\_.

331  
332 CITY OF TOPEKA, KANSAS

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337 \_\_\_\_\_  
338 Michael A. Padilla, Mayor

339 ATTEST:  
340  
341  
342 \_\_\_\_\_  
343 Brenda Younger, City Clerk

(Published in the Topeka Metro News \_\_\_\_\_)

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

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, updating anti-discrimination policies in the Topeka Municipal code, amending and repealing original § 2.105.010, § 2.105.040, § 2.105.050, § 2.255.040, § 3.30.440, § 3.30.470, § 3.30.480, § 9.20.020 and § 9.20.030 and repealing in their entirety § 2.20.120, § 3.30.420 and § 3.30.460.

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

Section 1. That section 2.20.120, Office of Diversity, Equity and Inclusion, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Office of Diversity, Equity and Inclusion.~~**

~~Created — Officer. There is hereby created an Office of Diversity, Equity and Inclusion. The Officer shall be appointed by the City Manager and be known as the Chief Diversity, Equity and Inclusion Officer. The City Manager, pursuant to Charter Ordinance No. 94, shall be responsible for supervising and evaluating the performance of the Officer.~~

Section 2. That section 2.105.010, Policy, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Policy.**

(a) Policy Statement. It is the policy of the City to ~~take affirmative action to achieve~~provide equal ~~treatment, diversity and inclusion~~opportunity when employing individuals and not to discriminate against any individual based on his/her age, color, disability, familial status, ~~gender identity~~, genetic information, national origin, ancestry, race, religion, sex, ~~sexual orientation~~, veteran status or any other factor protected by law ("protected class"). This shall apply to all personnel actions and procedures



30 including, but not limited to, recruitment, hiring, training, transfer, promotion,  
31 compensation and other benefits.

32 ~~(b) General Objectives.~~

33 ~~(1) Intensify efforts to recruit applicants within a protected class for every level~~  
34 ~~of responsibility;~~

35 ~~(2) Develop special training programs to qualify persons within a protected class~~  
36 ~~for beginning level positions and for advancement; and~~

37 ~~(3) Develop procedures for monitoring the application flow, final hiring and~~  
38 ~~disposition of persons within a protected class.~~

39 ~~(c) Administrative Responsibility. The City Manager and all department directors~~  
40 ~~shall be responsible for ensuring that the City takes affirmative action to achieve equal~~  
41 ~~opportunity, inclusion and diversity when employing individuals within all departments in~~  
42 ~~accordance with the equal employment opportunity/affirmative action policy. The Office~~  
43 ~~of Diversity, Equity and Inclusion, in conjunction with the Director of Human Resources~~  
44 ~~or designee, shall be responsible for developing recruitment and training programs to~~  
45 ~~include employment goals for each City department.~~

46 Section 3. That section 2.105.040, Reports and records, of The Code of the  
47 City of Topeka, Kansas, is hereby amended to read as follows:

48 **Reports and records.**

49 The Director of Human Resources or designee shall comply with required equal  
50 employment opportunity/~~affirmative action~~ reporting. Position interview records and  
51 information related to new hires, transfers, promotions and terminations shall be  
52 maintained by the Human Resources Department.

53           Section 4.   That section 2.105.050, Equal Opportunity Officer of The Code of  
54 the City of Topeka, Kansas, is hereby amended to read as follows:

55           **Equal Opportunity Officer.**

56           (a) Designated Officer. The ~~Chief Diversity, Equity and Inclusion Officer~~Human  
57 Resources Director is designated as the Equal Opportunity Officer to ensure equal  
58 employment opportunities.

59           ~~(b) General Duties. It shall be the duty of the Equal Opportunity Officer to:~~

60           ~~(1) Conduct periodic departmental reviews to determine compliance with the~~  
61 ~~City's equal employment opportunity/affirmative action policy;~~

62           ~~(2) Report results obtained, problems encountered, and/or resistance or failure~~  
63 ~~to implement the equal employment opportunity/affirmative action policy to the~~  
64 ~~Governing Body, City Manager and Human Relations Commission and provide~~  
65 ~~recommendations to resolve any problems identified;~~

66           ~~(3) Serve as a consultant to the Governing Body, City Manager and department~~  
67 ~~directors in developing recruitment programs, selection procedures, training programs~~  
68 ~~or other personnel functions necessary to implement the City's equal employment~~  
69 ~~opportunity/affirmative action policy;~~

70           ~~(4) Recruit personnel in such a manner that clearly demonstrates the City's~~  
71 ~~interest in employing persons within a protected class; and~~

72           ~~(5) Establish communication with institutions and organizations that provide~~  
73 ~~referral of qualified applicants within a protected class for available positions.~~

74           Section 5.   That section 2.255.040, Duties and responsibilities, of The Code of  
75 the City of Topeka, Kansas, is hereby amended to read as follows:

**Human Relations Commission; Duties and responsibilities.**

The Commission shall:

(a) Support and advise the City of Topeka in its efforts to eliminate prejudice on the basis of membership in a protected class described in TMC 9.20.020, further goodwill among all people of the City and promote cooperation and conciliation within the City.

(b) Select one or more issues or topics of special focus to conduct research on, advocate on behalf of, and/or develop policy recommendations relating to, which shall be adopted on an annual basis by February 1st. The chosen issue or topic may be directly or indirectly related to the City of Topeka government and/or in the greater City of Topeka community. The Commission may produce progress reports, engage with staff, and/or engage with the Governing Body in this process. Results shall be reported in the Commission's Annual Report.

(c) Engage in one or more of the following activities relating to the Commission's mission and/or chosen issue or topic:

(1) Hold Town Hall meetings and public forums;

(2) Conduct inclusive outreach and education activities and develop resources relevant to human and civil rights issues;

(3) Partner with related organizations and groups;

(4) Develop and administer annual and/or periodic programs recognizing individuals and/or organizations who have advanced the mission of the Human Relations Commission;

(5) Refer public concerns related to civil ~~rights,~~and human rights,~~and affirmative~~

99 action to the appropriate agency and/or Governing Body for the sole purpose of  
100 providing assistance and support to the aggrieved party or parties as they pursue  
101 redress; and/or

102 (6) Develop and recommend policy and/or administrative changes to the City  
103 Manager and Governing Body when the Commission finds a special need for such or  
104 deems necessary because of concerns received under subsection (c)(5) of this section.

105 ~~(d) Review quarterly affirmative contracting reports and report concerns to the~~  
106 ~~City Manager.~~

107 (ed) Review quarterly reports from the Independent Police Auditor and report  
108 any concerns to the City Manager.

109 (fe)By February 1st on an annual basis, the Commission shall prepare and  
110 submit an annual report to the Governing Body of the Commission's activities,  
111 identifying issues and problem areas within the Topeka community and, after reviewing  
112 the performance of the Commission during the year, propose any modifications to this  
113 chapter and Chapters 2.105, 2.250, and 9.20 TMC that would improve the effectiveness  
114 of the Commission and better fulfill the antidiscrimination policies of the City.

115 Section 6. That section 3.30.420, Incorporation of affirmative action, of The  
116 Code of the City of Topeka, Kansas, is hereby repealed:

117 ~~**Incorporation of affirmative action.**~~

118 ~~All affirmative action procedures required for public contracts shall be applicable~~  
119 ~~and are incorporated by reference.~~

120 Section 7. That section 3.30.440, Definitions, of The Code of the City of  
121 Topeka, Kansas, is hereby amended to read as follows:

**Definitions.**

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

~~“Affirmative action program” means a positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees during employment equally without regard to their race, religion, creed, color, sex, disability which is unrelated to the ability to perform a particular job or occupation, national origin, ancestry or age. Such program shall include, where applicable, but not be limited to, the following:~~

~~(1) Recruitment and recruitment advertising;~~

~~(2) Employment, including upgrading, promotion, demotion, transfer, layoff or termination;~~

~~(3) Rates of pay or other forms of compensation;~~

~~(4) Other terms or conditions of employment; and~~

~~(5) Selection for training, including apprenticeship.~~

~~The program shall include goals, methods and timetables for implementation of the program.~~

~~“Certificate of compliance” means a written certificate issued by a State or Federal agency charged with administration of a governmentally recognized affirmative action program stating that the person named in the certificate is in compliance with the terms of an affirmative action program filed by the named person with the State or Federal agency.~~

145 “Contract” means any contract, agreement, purchase order or arrangement  
146 required or permitted by the ordinances of the City to which the City shall be a  
147 contracting party and which shall hereafter be entered into or renewed, except the  
148 following:

149 ~~(1) Emergency requisitions for goods, supplies and services as provided for by~~  
150 ~~the Contracts and Procurement Division;~~

151 ~~(21)~~ Imprest accounts in the nature of petty cash funds;

152 ~~(32)~~ Any bona fide religious institutions with respect to any qualifications for  
153 employment when such qualifications are related to a bona fide religious purpose; and

154 ~~(43)~~ Any type of employment where religious creed, national origin or ancestry  
155 would be considered an essential qualification for employment. or

156 ~~(5) Contracts for goods, supplies or services, the cost of which will not exceed~~  
157 ~~\$15,000; provided, however, that if any contractor shall do a total annual business with~~  
158 ~~the City in excess of \$15,000, such contractor shall submit an affirmative action~~  
159 ~~program in writing to the Contracts and Procurement Division. For the purposes of this~~  
160 ~~article, total annual business shall be measured by the amount of business done by the~~  
161 ~~contractor with the City during either the current or the preceding fiscal year of the City.~~

162 “Contracting agency” means any department, agency, commission or authority of  
163 the City which enters into contracts.

164 “Contractor” means any individual, partnership, corporation, association or other  
165 entity, or any combination of the foregoing, which enters into a contract with the City. and  
166 ~~and which has four or more employees during the term of the contract with the City.~~

167 ~~“Disadvantaged business enterprise” means small business concerns controlled~~

168 ~~by socially and economically disadvantaged individuals or women.~~

169 ~~“Minority business enterprise” means a business at least 51 percent of which is~~  
170 ~~owned and operated by a minority or by minority group members or, in the case of a~~  
171 ~~publicly owned business or corporation, at least 51 percent of the stock of which is~~  
172 ~~owned by minority group members.~~

173 “Performance of work” means the furnishing of any personal service, labor,  
174 materials or equipment used in the fulfillment of a contractor’s obligation under a City  
175 contract.

176 “Person” means any natural person, contractor, subcontractor, supplier of goods  
177 or services, or any agent, servant or employee of any of the foregoing. As used in this  
178 article, the word “person” is a generic term unless the context clearly indicates  
179 otherwise.

180 “Subcontractor” means, in a construction project, any individual, partnership,  
181 corporation, association or other entity, or any combination of the foregoing, who shall  
182 undertake, by virtue of a separate contract directly with the general contractor awarded  
183 the construction project, to fulfill all or any part of any contractor’s obligation, exclusive  
184 of a contract solely to furnish supplies, ~~and who has four or more employees during the~~  
185 ~~term of the subcontract.~~

186 ~~“Women business enterprise” means a business at least 51 percent of which is~~  
187 ~~owned and operated by a woman or by women or, in the case of a publicly owned~~  
188 ~~business or corporation, at least 51 percent of the stock of which is owned by a woman~~  
189 ~~or women.~~

190 Section 8. That section 3.30.460, Affirmative action programs, of The Code of

the City of Topeka, Kansas, is hereby repealed:

**~~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~~



214 ~~respecting submission of affirmative action programs.~~

215 ~~(3) Program Review Committee. A Program Review Committee shall be~~  
216 ~~established for the purpose of reviewing and evaluating the City's minority business~~  
217 ~~enterprise, women business enterprise and disadvantaged business enterprise~~  
218 ~~utilization. The Committee members shall be designated by the City Manager. There~~  
219 ~~shall be at least three members of the Committee and other members may be added by~~  
220 ~~the City Manager. The Chief Diversity, Equity and Inclusion Officer, the Director of the~~  
221 ~~Public Works Department, and the Director of the Contracts and Procurement Division~~  
222 ~~shall all be members of the committee. All recommendations and determinations of the~~  
223 ~~review committee may be appealed to the City Manager, whose decision shall be final~~  
224 ~~and binding. The committee shall have the following duties and responsibilities:~~

225 ~~(i) Establish, on an annual basis, percentage goals for the utilization of minority~~  
226 ~~business enterprise, women business enterprise and disadvantaged business~~  
227 ~~enterprise participation on City contracts. Goals shall be established upon consideration~~  
228 ~~of the following factors: the number and type of contracts to be awarded, the number~~  
229 ~~and type of minority, women, and socially and economically disadvantaged contractors~~  
230 ~~available, and past results of the City's minority business enterprise, women business~~  
231 ~~enterprise and disadvantaged business enterprise utilization.~~

232 ~~(ii) Review and analyze, on a quarterly basis, minority business enterprise,~~  
233 ~~women business enterprise and disadvantaged business enterprise requirements, to~~  
234 ~~include evaluating the methods for achieving utilization goals and the guidelines for~~  
235 ~~ascertaining contractors' compliance with the City's policies and procedures.~~

236 ~~(iii) Report to the Governing Body on a quarterly basis, through the City~~

237 ~~Manager, the findings from the review and analysis of minority business enterprise,~~  
238 ~~women business enterprise and disadvantaged business enterprise participation and~~  
239 ~~utilization. The Governing Body shall consider goals for the City's minority business~~  
240 ~~enterprise, women business enterprise and disadvantaged business enterprise~~  
241 ~~utilization in conjunction with the annual setting of budget priorities.~~

242 Section 9. That section 3.30.470, Contract conditions, of The Code of the City  
243 of Topeka, Kansas, is hereby amended to read as follows:

244 **Contract conditions.**

245 (a) Contents, Posting. All contracts to be executed by the City shall contain  
246 language therein requiring as a condition thereof that all persons contracting with the  
247 City shall not discriminate against any person in the performance of work under the  
248 contract because of age, race, sex, creed, color, disability which is unrelated to the  
249 ability to perform a particular job or occupation, familial status, genetic information,  
250 ~~religion, national origin, ancestry or age, race, religion, sex, veteran status or any other~~  
251 factor protected by law, except by reason of demonstrably valid occupational  
252 disqualification. Each person will post the office of employment of its premises with  
253 notices setting forth both the above-stated provisions and that the person agrees to  
254 abide by such provisions, ~~including implementation of the affirmative action program~~  
255 ~~submitted in connection with the contract.~~ The contractor shall be bound by both the  
256 terms of this section and the rules and regulations. In all solicitations or advertisements  
257 for employees, the contractor shall include the phrase "equal opportunity employer" or a  
258 similar phrase to be approved by the Contracts and Procurement Division.

259 (b) Failure to Comply – Breach of Contract. If a contractor shall fail, refuse or

neglect to comply with the terms of the contract conditions, such failure shall be deemed a total breach of the contract, and such contract may be terminated, canceled or suspended, in whole or in part, and such contractor may be declared ineligible for any further City contracts for a period of up to one year; provided, that if a contract is terminated, canceled or suspended for failure to comply with this section, the contractor shall have no claims for damages against the City on account of such termination, cancellation or suspension or declaration of ineligibility.

Section 10. That section 9.20.020, Policy, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Policy.**

The practice or policy of discrimination against persons by reason of their 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 ("protected class") is a matter of concern to the City, since such discrimination not only threatens the rights and privileges of the inhabitants of the City but also menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the City, in exercise of its police power for the protection of the public safety, health and general welfare, for the maintenance of business and good government, and for the promotion of the City's trade and commerce, to eliminate and prevent discrimination or segregation based on a protected class. It is further declared to be the policy of the City to assure equal opportunity and encouragement for every person, regardless of their membership in a protected class, to secure and hold, without discrimination, employment in any field of work or labor for which the person is

otherwise properly qualified; to assure equal opportunity for all persons within this City to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges and advantages of all governmental departments or agencies; and to assure equal opportunity for all persons within this City in housing.

Section 11. That section 9.20.030, Civil rights declared, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Civil rights declared.**

(a) The right of an otherwise qualified person to be free from discrimination because of that person's ~~actual or perceived~~ age, color, disability, familial status, ~~gender identity,~~ genetic information, national origin or ancestry, race, religion, sex, ~~sexual orientation or veteran status,~~ or any other factor protected by law is recognized as, and declared to be, a civil right. This right shall include, but not be limited to, all of the following:

(1) The right to obtain and hold employment and the benefits associated therewith without discrimination.

(2) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public accommodation without discrimination.

(3) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.

(4) The right to exercise any right granted under this chapter without suffering coercion or retaliation.

(b) Because Federal and State law consistently address unlawful discriminatory

and retaliatory practices related to the above-described civil rights, a separate enforcement procedure is not created.

Section 12. That original § 2.105.010, § 2.105.040, § 2.105.050, § 2.255.040, § 3.30.440, § 3.30.470, § 9.20.020 and § 9.20.030 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 13. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 14. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 15. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk