

Governing Body Special Meeting Minutes – March 26, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Thursday, March 26, 2020. The Governing Body members of the City of Topeka met in special meeting at 6:00 P.M., with the following Councilmembers present: Hiller, Emerson, Naeger, Dobler, Duncan and Lesser -6. Mayor De La Isla presided -1.

REMOTE PARTICIPANTS (via video conference): Council Members Valdivia-Alcala, Ortiz and Padilla -3.

RESOLUTION NO. 9167 introduced by City Manager Brent Trout, temporarily suspending certain Governing Body Rules and Procedures in response to the COVID-19 pandemic was presented.

Brent Trout, City Manager, reported in light of the COVID-19 pandemic and the measures adopted by the Governor and the Shawnee County Health Department certain Governing Body Rules will need to be temporarily suspended until May 19, 2020, in order to conduct Governing Body meetings telephonically or by video conference.

Councilmember Lesser questioned if anything would preclude the Governing Body from reinstating the Rules before May 19, 2020, if needed.

Brent Trout stated the Rules could be reinstated at any time.

Councilmember Valdivia-Alcala questioned if the announcement portion of the agenda would be condensed permanently.

Mayor De La Isla stated the announcement portion of the agenda was condensed for the purpose of reducing the time of the meeting because of the Safer At Home Order implemented on March 26, 2020, by the Shawnee County Health Department.

Councilmember Hiller expressed concern with waiving Governing Body Rules and Procedures 8.14 - Television Coverage, and asked if it would violate the Kansas Open Meetings Act (KOMA) requirements.

Governing Body Rules and Procedures 8.14 – Television Coverage reads as follows: “Except as otherwise provided, the public portions of any committee meeting shall be televised, subject to budget constraints or technical difficulties.”

Lisa Robertson, City Attorney, stated the request to waive Rule 8.14 was a precautionary step and purely for the purpose of addressing telephonic meetings if needed. She reported staff has no intent of not televising Governing Body or Committee meetings.

Brent Trout expressed the importance of having the capability to adapt to emergencies and expressed his confidence in the current remote meeting platform being utilized.

Mayor De La Isla reminded the Governing Body that during the state of emergency the availability of bandwidth may be limited at times and the proposal was not intended to preclude public comment or disregard KOMA regulations.

Lisa Robertson reported the City of Topeka would remain in compliance with KOMA regulations as teleconferencing allows the public to listen, observe and join the meeting via conference call.

Councilmember Duncan expressed concern with suspending the rules through May 19, 2020, as opposed to April 26, 2020, the same date the Safer At Home Order would expire. He stated he supports the intent; however, he believes any time the Rules are suspended it should be for the shortest amount of time necessary in each increment. He spoke in support of considering the Governing Body meeting schedule on a month-to-month basis.

Brent Trout stated the end date was based on the information they received in regards to how long the health and public safety orders may be in place. He noted it was a policy decision to be made by the Governing Body as the suspension of Rules could be reconsidered at any time.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Duncan. She stated in order to support cohesion and consistency of Governing Body meetings she would prefer the expiration date run in conjunction with the expiration of the Safer At Home Order.

Councilmember Dobler stated he would support May 6, 2020 as an expiration date, allowing the Governing Body to again consider the need to suspend the Rules during the month of May.

Councilmember Naeger stated she concurs with Councilmember Dobler and believes the May 6, 2020, date would accommodate the ever-changing health and safety issues arising from the COVID-19 pandemic.

Councilmember Dobler moved to amend the resolution by changing the date on lines 29 and 30 from May 19, 2020, to May 6, 2020. The motion seconded by Councilmember Emerson carried unanimously. (7-0-0) *(Councilmembers Valdivia-Alcala, Ortiz and Padilla were not allowed to vote via video conference per Governing Body Rule 8.14.)*

Councilmember Ortiz stated although she is not able to vote she is in support of the resolution.

Councilmembers Valdivia-Alcala and Padilla spoke in support of the resolution as well.

Councilmember Emerson moved to approve the resolution as amended. The motion seconded by Councilmember Naeger carried unanimously. (7-0-0) *(Councilmembers Valdivia-Alcala, Ortiz and Padilla were not allowed to vote via video conference per Governing Body Rule 8.14.)*

RESOLUTION NO. 9168 introduced by City Manager Brent Trout, declaring a local state of emergency; temporarily expanding the authority of the city manager to act on behalf of the city; and ratifying previous decisions regarding the COVID-19 emergency was presented.

Brent Trout, City Manager, reported approval would establish a state of emergency allowing the City to share critical resources in a manner that will provide a more comprehensive response in conjunction with its partners. He stated it would also allow the City to capture and track the specific City-issued resources used throughout the COVID-19 pandemic, as well as, generate required information reviewed by the Federal Emergency Management Agency (FEMA) as part of its reimbursement accounting process.

Councilmember Valdivia-Alcala spoke in support of changing the expiration date to April 26, 2020, to coincide with the Safer at Home Order. She expressed concern with the language of Section 2A being too broad as it relates to the City Manager's authority.

The proposed resolution Section 2A reads as follows:

“Charter Ordinance A2-55 endows the City Manager with broad authority to administer the affairs of the City and prescribe regulations expedient to the general conduct of the administrative departments under his authority. In addition to these general powers, the City Manager is hereby vested, temporarily, with the authority to make all decisions in regard to personnel and City operations without the need to obtain Governing Body approval for said action. This grant includes any additional authority to close City facilities or suspend City operations; the authority to temporarily amend, extend or suspend policies and procedures; including purchasing and personnel policies of the City in response to the emergency; the authority and discretion to make decisions concerning the grant of additional leave and/or benefits to City employees; the authority to make decisions and purchases exceeding previously established purchasing authority granted by the Governing Body; and the authority to make other decisions deemed necessary to continue City operations and secure the well-being and safety of City employees and the public at large in response to the COVID-19 pandemic.”

Brent Trout stated he agrees that the language was broad in nature; however, this language was typical when dealing with disaster situations. He reported the timeframe mirrors the Shawnee County State of Emergency declaration.

Councilmember Naeger asked staff to comment on the need for a city-wide declaration of a state of emergency when it has already been declared at a county level. She questioned how funds would be expended for emergencies and if those funds would have to be approved by the Governing Body.

Brent Trout reported the declaration of emergency was a precautionary measure to help the City of Topeka make sure it has taken the proper steps to receive reimbursement funds from FEMA if available. He reported he has the authority to expend funds if those funds do not exceed budgeted amounts as well as some authority to move money between departments; however, any expenditures exceeding the budget or if there was a need to borrow funds would require approval by the Governing Body.

Councilmember Duncan expressed his total confidence in the decisions that have been made by the City Manager and staff to date. He thanked staff for providing the Question & Answer (*Attachment A*) document addressing concerns of the Governing Body and requested the document be included as an attachment to the Minutes to clarify the intent of the Governing Body. He stated he would prefer the resolution expire in 60 days and believes the language was too broad and should be tailored to the City of Topeka. He expressed concern with the lack of time the Governing Body was given to digest the information and the ramifications that may result.

Councilmember Dobler suggested the state of emergency declaration remain open ended with no expiration date and approve an end date for the expansion of authority by the City Manager.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Duncan. She expressed her appreciation to the City Manager for providing daily updates to the Governing Body and keeping them informed during these unprecedented times. She expressed concern with the lack of parameters as it relates to the City Manager's authority and the lack of time to consider information. She suggested a date certain or super majority vote requirement be included in the language of the resolution.

Councilmember Hiller stated she shares the concern raised by Councilmembers Valdivia-Alcala and Duncan. She stated she believes the City Manager already has the authority needed to handle emergency situations as they arise. She suggested deleting Section 2A, lines 37 through 50; and Section 3, lines 54 through 56.

The proposed resolution Sections 2A and 3 read as follows:

Section 2A – “Charter Ordinance A2-55 endows the City Manager with broad authority to administer the affairs of the City and prescribe regulations expedient to the general conduct of the administrative departments under his authority. In addition to these general powers, the City Manager is hereby vested, temporarily, with the authority to make all decisions in regard to personnel and City operations without the need to obtain Governing Body approval for said action. This grant includes any additional authority to close City facilities or suspend City operations; the authority to temporarily amend, extend or suspend policies and procedures; including purchasing and personnel policies of the City in response to the emergency; the authority and discretion to make decisions concerning the grant of additional leave and/or benefits to City employees; the authority to make decisions and purchases exceeding previously established purchasing authority granted by the Governing Body; and the authority to make other decisions deemed necessary to continue City operations and secure the well-being and safety of City employees and the public at large in response to the COVID-19 pandemic.

Section 3 – “The Governing Body hereby ratifies the emergency decisions made by 55 the City Manager in response to the COVID-19 pandemic prior to the date of this 56 Resolution.”

Councilmember Dobler questioned if the City Manager would need to make decisions that would not be covered in his authority outlined in Charter Ordinance No. 94.

Lisa Robertson, City Attorney, confirmed Charter Ordinance No. 94 provides very board authority for the City Manager; however, the proposed language in the resolution was drafted after conferring with many professional organizations including the International Municipal Lawyers’ Association (IMLA) and City Attorney Association of Kansas (CAAK).

Councilmember Valdivia-Alcala spoke in support of the amendment proposed by Councilmember Hiller.

Councilmember Hiller moved to amend the resolution by deleting Section 2A, lines 37 through 50; and Section 3, lines 54 through 56. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Emerson asked if removing Sections 2A and 3 of the resolution would cause any operational issues.

Brent Trout stated he believes in this instance it would not cause any issues; however, if it relates to a different type of emergency such as a tornado or major flood, then he would need the authority as outlined in the resolution. He reported Shawnee County will take the lead on major items to address the pandemic. He expressed his support of the amendment and noted he has the ability to call a special meeting if needed.

Councilmember Duncan reported the Governing Body as a whole has been extremely satisfied with the information being distributed by the City Manager and other community leaders as well as the decisions that have been made by the City Manager to date.

Councilmember Padilla expressed his support of the resolution as amended. He stated he believes by approving the resolution it would put the City in a better place to receive reimbursement of costs associated with the pandemic by FEMA. He expressed his appreciation to the City Manager for keeping the Governing Body informed. He encouraged Governing Body members to stay up-to-date on pandemic information and involved in community efforts.

The motion to amend the resolution by deleting Section 2A, lines 37 through 50; and Section 3, lines 54 through 56 carried unanimously. (10-0-0)

Councilmember Dobler moved to approve the resolution as amended. The motion seconded by Councilmember Naeger carried unanimously. (10-0-0)

RESOLUTION NO. 9169 introduced by City Manager Brent Trout cancelling the Governing Body Meeting on April 14, 2020, was presented.

Brent Trout, City Manager, reported the proposed meeting cancellation was in light of the Governor's Order to limit public gatherings to lower the risk of spreading the COVID-19 virus as well as the number of agenda items that require Governing Body attention or approval was

fairly light for April 14, 2020. He stated only action items would be placed on the April 7, 2020 and April 21, 2020 agendas. He noted there are important items related to the budget that will need to be discussed possibly in May; however, staff will need time to consider revenues and expenditures as the City works through the pandemic.

Councilmember Hiller questioned if the Governing Body could decide if a meeting was necessary at the April 7, 2020 meeting.

Councilmember Valdivia-Alcala spoke in opposition of cancelling the April 14, 2020, Governing Body meeting and stated she believes consistency continues to be very important to citizens.

Councilmember Hiller stated she concurs with Councilmember Valdivia-Alcala and agrees that consistency is important to citizens as well as it keeps Governing Body members visible in the community.

Councilmember Ortiz cautioned the Governing Body against sending mixed messages to citizens. She spoke in support of conducting only two meetings in April if possible and noted she would use the additional time to provide assistance to people in need. She requested the City provide more information on “essential businesses” on City4 as well as the Safer At Home Order. She encouraged the Governing Body to set the example and take precautionary measures.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Ortiz and believes the City could better utilize City4 to send strong pro-active messages to the community. She stated she would not support cancelling any Governing Body meetings, especially during the pandemic. She noted the Governing Body has the ability to conduct meetings virtually, abiding by the Safer At Home Order.

Councilmember Ortiz moved to approve the resolution. The motion was seconded by Councilmember Emerson.

Councilmember Hiller suggested providing updates or informational programs related to the COVID-19 pandemic on City4 during the times Governing Body meetings would routinely be broadcast.

Councilmember Naeger spoke in support of broadcasting additional information and programs to assist constituents.

Councilmember Ortiz requested replacing routine information being broadcast on City4 with community offerings to assist citizens and keep them safe.

Mayor De La Isla commended City4 staff members for their hard work. She stated resources are very limited at this time; however, a Question & Answer on the COVID-19 pandemic will soon be included in programming as well as Shawnee County Emergency Management information.

Councilmember Valdivia-Alcala requested that community action information be broadcast on City4 as not all citizens participate in social media.

The motion to approve the resolution carried. Councilmembers Valdivia-Alcala and Duncan voted “no”. (8-2-0)

PUBLIC COMMENT: Due to the public safety mandates surrounding the COVID-19 pandemic there will be no in-person public comment; however, written public comment may be submitted by email or in writing to the City Clerk for attachment to the minutes. -- Email: cclerk@topeka.org -- Address: 215 SE 7th Street, Room 166, Topeka, Kansas, 66603.

The following individuals submitted public comments via electronic mail: Clark W. Trammell, Michael Bell, Patrick DeLapp, Carol Marple, Joseph Ledbetter, and Jeff Crusinberry.
(Attachment B)

ANNOUNCEMENTS BY THE CITY MANAGER AND MAYOR;

Due to the public safety mandates surrounding the COVID-19 pandemic the announcement

portion of the agenda has been condensed.

Brent Trout, City Manager, reported staff continues to work to provide necessary services to the community during COVID-19 pandemic and thanked Governing Body members for their support. He expressed his appreciation to City staff members for their hard work and continued efforts in providing essential services to citizens.

Mayor De La Isla thanked City staff, the Shawnee County Emergency Management Department and Shawnee County Commissioners for continuing to provide essential services and updates to citizens. She noted there have been discussions on how to help the Topeka Rescue Mission. She reminded everyone to keep their families safe and obey the Safer at Home order.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:14 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Why declare a local emergency at the city level?

Staff is recommending this step in response to guidance provided through the International Municipal Lawyers' Association, as well as the League of Kansas Municipalities. Over the course of the last two weeks, Staff has participated in numerous conference calls sponsored by each of these organizations; both of which indicate that cities can rely on their county declaration. However, each of these organizations strongly recommend that cities make their own declarations as a prophylactic measure. Two important reasons for doing so: (1) to ensure appropriate and accurate accounting of City-issued resources for use in working with FEMA when the reimbursement process begins; and (2) to avoid future claims of exceeding authority in an environment where decisions must be made in real time.

The Charter Ordinance already provides some of these powers regarding regulations and certain decisions. What current decisions or future ones does the City Manager believe need to be made that he would not be able to make without this declaration?

As referenced in Section 3, Charter Ordinance A2-55 does provide the City Manager with broad authority:

- (a) To execute and enforce all laws and ordinances and policies of the Council and to administer the affairs of the city.
- (f) To control and administer the financial affairs of the city.
- (i) To supervise the purchasing of materials and supplies.....
- (l) To prescribe such general rules and regulations as he or she may deem necessary or expedient to the general conduct of the administrative departments under his or her jurisdiction.
- (o) To perform such other duties as may be prescribed by this Charter Ordinance or by ordinance or resolution.

The purpose of the resolution is to provide a comfort level for both the Governing Body and the City Manager in making decisions that are outside of the normal realm of "administering the affairs of the city." For instance, within the past several days, the City Manager has closed City Hall and the Holliday building to the public, authorized employees to work remotely and authorized the

deployment of certain HR policies to address quarantines and isolation measures, among other things. Each of these actions are extraordinary.

One (of many) examples, is the fact that there has been a major disruption in the supply chains during this pandemic. Staff is not sure what supplies we will be able to get – but if there is an opportunity to get them we need to be able to act very quickly. Thus, the resolution allows the City Manager to suspend certain purchasing policies (i.e., the policy concerning the use of P-cards authorizes the City Manager to declare an emergency, which would, in turn, allow employees to use their P-cards to more quickly and efficiently purchase goods and services required to mitigate an emergency). Passage of an emergency resolution would provide justification for the City Manager to deploy the procedure governing temporary emergency purchases.

This particular emergency is unlike anything the nation has dealt with in recent history. There have been multiple executive orders issued on the same day and directives that have changed very quickly -- prohibitions of large groups of no more than 50....turned into groups of no more than 10 -- within a short period of time. Staff has been reacting to these changes as events progress. Future decisions may relate to virtual meetings, purchasing, spending, etc. -- decisions that, while legally within the City Manager's authority, are outside of the City Manager's normal realm. The goal is to ensure that the City Manager has the Governing Body's support in making these very difficult decisions. This resolution would provide the level of confidence needed.

Does Kansas law provide that legislative authority may be delegated only in limited cases – if, and only if, adequate guidelines are set out in the statute to clearly limit and define the conditions and the nature of the authority to be exercised?

This particular legal principle would not apply to a city's home rule authority.

Will labor contracts be effected or impaired by this action? Will the City be opening itself up to possible litigation as a result of actions that may be breach of an existing contract?

Each labor contract has its own provision related to how matters will be handled in emergency situations. Additionally, under both the Kansas PEERA statute and each labor contract, management has the right to "take action as may be necessary to carry out the mission of the agency in emergencies." Legal and Human Resources Staff will ensure that labor contracts are adhered to, taking these emergency clauses into consideration.

Will this resolution allow the City Manager to make decisions that exceed the budget without informing the Body of these actions until after the fact? Should there be a requirement that actions are reported within 24 or 48 hours?

The budget and cash basis statutes would preclude the City Manager from exceeding the budget unless in compliance with state law. Legal and Financial Services Staff will ensure compliance. Since there is already a process in place for noticing up Governing Body meetings and agendas, providing an update on decisions made at a Governing Body meeting would be the easiest way to ensure compliance with the KOMA. However, during the last two weeks the City Manager has provided daily updates related to the events of the day. More frequent and/or detailed emails could be provided, if requested.

Section 3 says this ratifies emergency actions have already been made. What are those specific decisions?

Examples: (i) closing City buildings to the public; (ii) allowing employees to work remotely; (iii) utilizing employees to assist with implementing the county emergency management plan.

Does this resolution give the City Manager the authority to go as far as borrowing money or exceeding the budget or moving funds between line items without discussion?

No. Legal and Financial Services Staff will ensure that all financial restrictions are adhered to.

Have any other municipalities in Kansas taken this action at this time?

The proposed resolution was modeled after the resolution adopted by the elected officials in Derby, which has the same form of government as Topeka.

Can this be done by Resolution, as opposed to an Ordinance? Are there publication requirements to be followed? Can the public protest?

Yes. A resolution is appropriate in this particular situation, as resolutions are used to address temporary events. The League of Kansas Municipalities also

recommends adoption of a resolution. “It is our opinion that because this is merely a temporary declaration and temporary delegation of authority rather than a permanent change to how these policies and procedures are carried out, it can be accomplished by simple resolution rather than ordinance.”

There are no statutory requirements of publication; but the resolution will be published on the City’s website. State law dictates what matters are subject to protest; the public has no ability to protest and demand an election for this type of resolution.

Does there need to be a specific end date for the resolution to be automatically reevaluated?

Section 4 indicates that the resolution shall remain in effect until (1) future action is taken by the Governing Body; or (2) the State of Disaster Emergency Declared by Shawnee County has expired. There is no way of knowing the specific date on which the emergency will pass; but the Governing Body can act by adopting a resolution ending the declaration on any date.

This resolution was submitted for consideration based upon recommendations made by IMLA and LKM and representatives of the cities these organizations serve.

Whether or not it is adopted, however, is purely a policy decision.

Attachment B

Brenda Younger

From: cwiliet@aol.com
Sent: Thursday, March 26, 2020 9:58 AM
To: City Council; Michelle De La Isla; City Clerk
Subject: Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings All, I hope each of you are safe, healthy and doing well. After reviewing today's council agenda I would ask that you NOT approve Action Item B as requested. You as the governing body were elected by the public to make these decisions not the City Manager and I would like to confirm that you as a collective group continue with the duties you are charged with as an elected official. If you just have to do something then limit this approval to 30 days, you can always extend but keep this on a short leash for good decision making. The concerns to even give this type of authority to one person whom you all oversee is that there are numerous projects and related decisions that the public does not agree with the City on or the public is concerned about that need your collective attention as representatives of the community to administer conversation and direction. If you do this then please make it clear what the City Manager can and cannot do during this time frame so it is transparent to the public as to what they can expect, this certainly does not release the City Council/Mayor from responsibility for fairness and judicial decision making,

Be well and thank you for what you are doing to keep Topekan's safe and healthy.

Best,

Clark W. Trammell

Brenda Younger

From: Michael Bell <theanticj@yahoo.com>
Sent: Thursday, March 26, 2020 10:55 AM
To: City Council; Michelle De La Isla; City Clerk; cwiliet@aol.com
Subject: Re: Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, all!

Hope everyone's doing well. I agree with Clark's assessment of the proposal "... declaring a local state of emergency; temporarily expanding the authority of the city manager to act on behalf of the city; and ratifying previous decisions regarding the COVID-19 emergency."

Centralized authority is anathema to democracy, even during trying times -- *particularly* during trying times. The city's governing body should make decisions for the city. If, however, the city's governing body votes to approve, then please proceed with the utmost caution and do so while providing regular sunsets (Clark's 30 days is a good idea) to and assessments of this authority. And please be sure that these emergency powers pertain only to issues *directly* related to the coronavirus/COVID-19 health pandemic. The law of unintended consequences lurks in the background of any legislation of this sort.

Thanks and be well!

Michael Bell

On Thursday, March 26, 2020, 09:57:56 AM CDT, cwiliet@aol.com <cwiliet@aol.com> wrote:

Greetings All, I hope each of you are safe, healthy and doing well. After reviewing today's council agenda I would ask that you NOT approve Action Item B as requested. You as the governing body were elected by the public to make these decisions not the City Manager and I would like to confirm that you as a collective group continue with the duties you are charged with as an elected official. If you just have to do something then limit this approval to 30 days, you can always extend but keep this on a short leash for good decision making. The concerns to even give this type of authority to one person whom you all oversee is that there are numerous projects and related decisions that the public does not agree with the City on or the public is concerned about that need your collective attention as representatives of the community to administer conversation and direction. If you do this then please make it clear what the City Manager can and cannot do during this time frame so it is transparent to the public as to what they can expect, this certainly does not release the City Council/Mayor from responsibility for fairness and judicial decision making,

Be well and thank you for what you are doing to keep Topekan's safe and healthy.

Best,

Clark W. Trammell

Brenda Younger

From: Patrick DeLapp <coffeepeppy@att.net>
Sent: Thursday, March 26, 2020 11:55 AM
To: City Council; Brenda Younger
Subject: Special meeting Tonight
Attachments: Council city manager power.docx

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Council

3/26/20

Tonight will be a special meeting of City Council. It will not fall on our normal meeting dates. The purpose of the meeting is to give the City Manager, more power in this COVID-19 situation.

To be blunt,.... it's not needed.

Others have far greater power than the City does, and in fact have issues "Safer at home" orders. Which we, must follow.

Those that have more power or supersede ours it as follows:

- Shawnee County Health department
- Shawnee County Emergency Management
- Shawnee County Commission
- State of Kansas
- FEMA
- Congress
- President

Every heard the term "To many Cooks in the Kitchen"? It applies to this situation. All of the organizations, mentioned about can issue orders which supersede, the City's. If conflicting orders are issued which one do you follow?

Whatever the issue is, the City Manager, has enough power already to deal with it.

Yes, I can see City Council not meeting until the "Safer at home", issue is cancelled. Whatever it is, it can wait. If it's important enough to truly, affect safety and health, enough guidelines are already in place to handle the issue. Or, one of the other mentioned about agency's can handle it.

If something comes up, that I can't fathom right now, the City Manager can request the Shawnee County health department, an exception to the Stay at home order, and/or, the Governor's order of meetings of 10 or more. (Of Course this request for an exception, should include, alternate safety protocol, like wearing of gloves and masks.)

Remember, " Government tends to emphasize bad news whenever they can. They invent problems to fix by becoming larger and having more power".

This COVID-19 is not, invented, nor made up, it is real. But The City of Topeka, as low man on the Totem pole, if orders of some kind are needed it should come from above us.

Don't pass any of these measures. Just sit it out as the Governor and Shawnee County Health Depart says we should.

Be safe at home.

Pat DeLapp

Brenda Younger

From: Carol Marple <hedgetree@yahoo.com>
Sent: Thursday, March 26, 2020 3:26 PM
To: City Clerk
Subject: City Council Agenda Items 2A, 2B, and 2C

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I read the city council agenda and I'm very concerned about items 2 A,B,C. I don't understand the reasoning behind these items. Most of the city employees are reporting for work and doing their jobs, correct? But the way I understand the resolutions, the city council members and the mayor are temporarily turning their responsibilities over to the city manager, who will be running the city. I see running the city and taking care of it residents as an essential business. I say " shame on City Manager Troutt" for even suggesting this. What is he hoping to gain by taking decisions away from the City Council? It also sends a very poor message to the residents of the city. Residents of Topeka are trying their best to deal with the situation, loss of jobs, social distancing, children out of school, and sheltering in place and now the people they elected and are looking to lead our city thru this are renouncing their duties to City Manager Troutt! I feel if you approve these agenda items you are humiliating yourselves and your office. What is the reason for cancelling the April 14 meeting? I sincerely hope you vote against at least items 2A and 2B. Thank you, Carol Marple

Brenda Younger

From: Joe Ledbetter <joe@josephledbetter.com>
Sent: Thursday, March 26, 2020 4:29 PM
To: City Council; Michelle De La Isla
Cc: Brenda Younger
Subject: Reference Tonight's Meeting:

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These comments below are mine alone:

Dear Governing Body: You are the Board of Directors for this City government. That includes emergencies. You oversee this government.

That is why you are in your positions.

1. I oppose passing any suspension of Council rules for *more than* 30 days. Thirty days is sufficient. If, you need to do it again in 30 days than vote to extend, *for a week at a time*. We *may* be out of this in 30 days. If not, we can extend it, *if it is warranted*, by some public and objective emergency standard. We need as much public input into this government as possible, and Council oversight! I have a lot of concerns, on operations and the budget of the City.
2. I oppose any cancellation of council meetings. I am shocked it is even proposed. Those are part of the oversight duties of the Board of Directors. This Government *needs your oversight* of management so "We the People" are represented. Those meetings, can be done, remotely, if necessary. We just did a special board meeting (3-24-2020) with the Topeka Metropolitan Transit Board-remotely, and it was almost 2 hours. It ran just fine. We did our duty. On March 30th we are doing another board meeting again. And we are a much smaller budget and operation than the City of Topeka.

Thank you for your consideration.

Joseph R. Ledbetter, Attorney at Law

Law Office

1734 SW Van Buren St

Topeka, KS 66612

(785) 232-3700 Phone

(785) 232-3701 Fax

www.josephledbetter.com

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Brenda Younger

From: Jeff Crusinbery <jcrusinbery@cox.net>
Sent: Thursday, March 26, 2020 5:41 PM
To: City Council; Michelle De La Isla; City Clerk
Subject: Comments for the 3 Resolutions being considered at Special Meeting March 26th 6 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello City Council members, I am hopeful that you and your families are safe and healthy. We are in unprecedented times with yet unknown challenges to face, in uncharted territory.

I wanted to share my opinion and ask for consideration on two items you are considering at tonight's special city council meeting, that I just became aware of a couple hours ago.

The fact that the city has an emergency management plan is great and that it is being considered for implementation, as well as consideration for continuing to provide essential city services important during a pandemic. I didn't see the plan attached to the agenda and will look for it on the city website to be able to familiarize myself with it.

My first question would be, if the City Manager becomes incapacitated, does the plan identify who in line is next for running day to day operations of the city, and should that be included or at least referenced in the resolution you are considering, it may be spelled out in the emergency management plan, I just can't tell.

Also, I believe it is imperative that the City Manager report frequently to the City Council during a declaration of an Emergency, and those reports be made public by sharing on the website. These need not be extensive, but detailed enough so that the elected officials know the "emergency" provisions needed and implemented related to how and what the City is doing in response to the pandemic.

The City Managers authority should relate (have a nexus) to decisions required or responsive to the "emergency", the pandemic ONLY. They should not in any shape or form exceed that boundary, because under normal operations he reports to and takes direction from the City Council, especially on policy decisions. I've watched this City Manager, and his strong suit does not seem to be taking public (or sometimes City Council) opinions into consideration, in fact he's a bit recalcitrant (Extending 10 year tax –he wanted it increased another ¼%), and he was visibly shaken during the water rate increase discussion by the Council and listening to the opponents from the public, for the 2022-2025 hike, and that he didn't get the 9% per year that was proposed.

Opinion—Please do not vote to cancel the April 14th Council meeting.

I do have concerns about cancelling the April 14th meeting, it seems that during a crisis "emergency" situation that increased and consistent communication by and to those elected to serve and represent the constituents should be the priority. Just like the daily briefings by the Shawnee County Health Officer, it is always reassuring to the public that those in charge are truly in charge and monitoring and reporting important details. The public understands the fluidity of this situation, they need to be assured that both the elected officials and the City Manager understand and comprehend the details of what is happening, are doing what is needed, and more than usual, because there is so much uncertainty (testing, lack of PPE, death and potential surge preparations) providing open reporting about necessary actions and transparency about it.

Thank you for your consideration.

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Sent from [Mail](#) for Windows 10