

ORDINANCE NO. 2489

AN ORDINANCE CALLING FOR AN ELECTION TO BE HELD ON SEPTEMBER 15, 2015, FOR THE PURPOSE OF VOTING ON A PROPOSITION TO AUTHORIZE THE CITY OF GARDNER, KANSAS, TO RENEW THE LEVY OF A SPECIAL PURPOSE CITYWIDE RETAILERS' SALES TAX OF ONE-HALF OF ONE PERCENT (0.5%) TO BE USED TO FUND THE CONSTRUCTION OF OR REPAIRING, REBUILDING, REHABILITATING, UPGRADING AND IMPROVEMENT OF STREETS, CURBS, SIDEWALKS, PEDESTRIAN BRIDGES AND WALKING, JOGGING AND BIKING TRAILS IN THE CITY OF GARDNER, WITH SUCH TAX TO TAKE EFFECT ON JANUARY 1, 2016, OR AS SOON THEREAFTER AS PERMITTED BY LAW, AND END TEN YEARS AFTER SUCH EFFECTIVE DATE.

WHEREAS, K.S.A. 12-187 et seq., as amended, authorizes cities to submit to the qualified electors of the City the question of levying a Special Purpose Retailers' Sales Tax to be collected by the Kansas Department of Revenue with revenue therefrom returned to the City; and

WHEREAS, the Governing Body of the City of Gardner has determined that additional revenue is needed to construct or repair, rebuild, rehabilitate, upgrade and improve streets, curbs, sidewalks, pedestrian bridges and walking, jogging and biking trails in the City, and that voters should be given a choice as to the method used to finance those specific public services; and

WHEREAS, the Governing Body has determined it is in the best interests of the City to raise additional revenue by renewing a levy of a Special Purpose Citywide Retailers' Sales Tax of one-half of one percent (0.5%), such renewed tax to take effect on January 1, 2016, or as soon thereafter as permitted by law, and shall end ten years after such effective date; and

WHEREAS, the Governing Body has determined it is in the best interests of the City to call for an election for authorization to levy the described Special Purpose Citywide Retailers' Sales Tax.

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

SECTION ONE: An election is hereby called to be held in the manner prescribed by law on the 15th day of September, 2015 for the purpose of submitting to the qualified electors of the City of Gardner, Kansas, a special question regarding the renewal of Special Purpose Retailers' Sales Taxes as set out in Paragraph Two hereof, in accordance with K.S.A. 12-187, et seq., regarding Retailers' Sales Taxes, and all other provisions of law. Such Special Purpose Retailers' Sales Tax shall be in addition to the ongoing one percent (1%) General Purpose City Retailers' Sales Tax.

SECTION TWO: At the election, the following special question shall be submitted:

Shall the following be adopted?

Shall the City of Gardner, Kansas be authorized to renew the levy of a one-half of one percent (0.5%) retailers' sales tax within the City of Gardner for the special purpose of funding City infrastructure, including the construction, repairing, rebuilding, rehabilitating, upgrading and improvement of streets, curbs, sidewalks, pedestrian bridges and walking, jogging and biking trails; such retailers' sales tax shall take effect on January 1, 2016, or as soon thereafter as

permitted by law, and will replace the current one-half of one percent (0.5%) special purpose sales tax currently in place which expires on December 31, 2015, and shall end ten years after its commencement; such tax shall be levied pursuant to K.S.A. 12-187, et seq.?

SECTION THREE: If approved by a majority of the electors voting thereon, such tax shall be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

SECTION FOUR: The election is requested to be conducted as mail ballot, special election by the Johnson County Election Commissioner in accordance with notice published in accordance with K.S.A. 12-187 et seq., and K.S.A. 10-120, et seq., as required by law.

SECTION FIVE: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

SECTION SIX: Upon publication of this Ordinance, the City Clerk is hereby directed to deliver a certified copy of this Ordinance to the Johnson County Election Commissioner.

PASSED by the Governing Body this 15th day of June, 2015.

APPROVED AND SIGNED by the Mayor this 15th day of June, 2015.

CITY OF GARDNER, KANSAS

(SEAL)

/s/ Chris Morrow
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz
Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk
Ryan B. Denk, City Attorney