

ORDINANCE NO. _____ 2269 _____

AN ORDINANCE CALLING AN ELECTION TO BE HELD ON THE FIRST DAY OF FEBRUARY, 2011, FOR THE PURPOSE OF VOTING ON A PROPOSITION TO AUTHORIZE THE CITY OF DE SOTO, KANSAS, TO LEVY A THREE-QUARTERS OF ONE PERCENT (.75%) CITY RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING CAPITAL IMPROVEMENT PROJECTS, INCLUDING BUT NOT LIMITED TO, IMPROVING THE CITY'S STREETS AND SIDEWALKS, AND THE CITY'S SEWER, DRAINAGE AND WATER SYSTEMS, SUCH TAX TO TAKE EFFECT ON APRIL 1, 2012 AND TO END MARCH 31, 2022

WHEREAS, K.S.A. 12-187 et seq., as amended, authorizes certain cities, such as the City of De Soto, Kansas, to submit to the qualified electors of the City the propositions of levying a retailers' sales tax within the City, for the purpose of funding economic development initiatives, strategic planning initiatives or public infrastructure projects; and

WHEREAS, the tax must expire no later than ten years from the date of imposition and shall be collected by the Kansas Department of Revenue with the revenue therefrom returned to the City; and

WHEREAS, based on the City's current taxes, budget projections, and anticipated capital improvement projects that will occur after March 31, 2012, the City has determined the tax needs to be renewed for another 10 years; and

WHEREAS, the Governing Body of the City finds and determines that it is necessary and desirable to finance capital improvement projects, including improvement of the City's streets and sidewalks, as well as the City's water, sewer, and drainage systems; and

WHEREAS, it is in the best interest of the City to raise the additional revenues by a levy of a three-quarters of one percent (.75%) City Retailers' Sales Tax, and to call an election for the authority to levy such additional tax which shall take effect on April 1, 2012 and which shall end on March 31, 2022.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:

Section 1: An election is hereby called to be held in the manner prescribed by law on the first day of February, 2011, for the purpose of submitting to the qualified electors of the City of De Soto, Kansas, a special question to authorize the City of De Soto, Kansas to levy a City Retailers' Sales Tax within the City of De Soto, Kansas in the amount of three quarters of one percent (.75%) to be used for financing capital improvement projects, including but not limited to, improvement of the City's streets and sidewalks, as well as the City's water, sewer, and drainage systems.

Section 2: The proposition to be voted on shall appear on the Mail Ballot as follows:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of three quarters of one percent (.75%) be levied in the City of De Soto, Kansas (the "City"), for the purpose of financing capital improvement projects, including but not limited to, improving the City's streets and sidewalks, as well as the City's water, sewer, and drainage systems, and all things necessary and related to such improvements, with the collection of such sales tax to commence on April 1, 2012 upon the expiration of a current three quarters of one percent (.75%) city-wide retailers' sales tax, and shall terminate ten years from the date of imposition, all pursuant to K.S.A. 12-187 et seq., and K.S.A. 12-195?

Section 3. The City Clerk is authorized and directed to deliver this ordinance and a notice of the election (in substantially the form attached to this ordinance) to the Election Commissioner of Johnson County, Kansas, who is authorized to and shall give notice of the election, as provided by law, by publishing the notice of election once each week for two consecutive weeks in a newspaper of general circulation in the City, as provided by K.S.A. 10-120, with the first publication to be not less than twenty-one days prior to the date of the election. The vote at the election shall be by Mail Ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law.

Section 4. This ordinance shall be in force and effect from and after its publication in an official City newspaper.

Section 5. Upon publication, the City Clerk is hereby directed to deliver a certified copy of this ordinance to the Johnson County Election Commissioner.

PASSED AND APPROVED BY THE GOVERNING BODY THIS _____ DAY OF _____, 2010.

David R. Anderson, Mayor

ATTEST:

Lana McPherson, MMC, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney

Published in The Olathe News on

_____, 2010 and _____, 2010

NOTICE OF SPECIAL QUESTION ELECTION

TO ALL QUALIFIED ELECTORS OF THE CITY OF DE SOTO, KANSAS

Notice is hereby given pursuant to K.S.A. 10-120 to the qualified electors of the City of De Soto, Kansas (the "City") that a special question election has been called and will be held by Mail Ballot on February 1, 2011, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of three quarters of one percent (.75%) be levied in the City of De Soto, Kansas (the "City"), for the purpose of financing capital improvement projects, including but not limited to, improving the City's streets and sidewalks, as well as the City's water, sewer, and drainage systems, and all things necessary and related to such improvements, with the collection of such sales tax to commence on April 1, 2012 upon the expiration of a current three quarters of one percent (.75%) city-wide retailers' sales tax, and shall terminate ten years from the date of imposition, all pursuant to K.S.A. 12-187 et seq., and K.S.A. 12-195?

The election officer conducting the election will be the Election Commissioner of Johnson County, Kansas, whose address is 2101 East Kansas City Road, Olathe, Kansas 66061. This election will be conducted pursuant to the Mail Ballot Act. The requirements for this Act state that electors wishing to receive a mail ballot at their place of residence must register to vote by the 2nd day of January, 2011, thirty (30) days prior to the day of the election. Electors registering between the thirtieth (30th) day and the close of registration books, _____, 2011, will only receive a mail ballot at their residence by filing a sworn affidavit for a ballot with the County Election Officer by _____, 2011.

Dated _____, 2011.