

ORDINANCE NO. 22-62

AN ORDINANCE CALLING FOR AN ELECTION TO BE HELD ON APRIL 25, 2023, FOR THE PURPOSE OF VOTING ON A PROPOSITION TO AUTHORIZE THE CITY OF OLATHE, KANSAS, TO RENEW THE LEVY OF A THREE-EIGHTHS OF ONE PERCENT (.375%) SPECIAL PURPOSE CITYWIDE RETAILERS' SALES TAX, TO TAKE EFFECT ON APRIL 1, 2024, OR AS SOON THEREAFTER AS PERMITTED BY LAW, AND TO END ON MARCH 31, 2034 AND TO USE THE REVENUE FROM THE RENEWED TAX TO SOLELY FUND THE REPAIRING, REBUILDING, REHABILITATING, UPGRADING AND IMPROVING OF STREETS (THE "STREET MAINTENANCE PROGRAM") IN THE CITY AND, IF APPROVED, WILL CONTINUE THE CITY'S ONE AND ONE-HALF PERCENT (1.50%) CITYWIDE RETAILERS' SALES TAX CURRENTLY LEVIED WITHIN THE CITY.

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 retailers' sales tax to be collected by the Kansas Department of Revenue with revenue therefrom returned to the city; 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, the existing three-eighths of one percent (.375%) City Retailers' Sales Tax, used to fund repairing, rebuilding, rehabilitating, upgrading, and improving streets in the City of Olathe commenced on April 1, 2014 and will expire on March 31, 2024; and

WHEREAS, the Governing Body of the City of Olathe ("City") has determined that additional revenue is needed to repair, rebuild, rehabilitate, upgrade and improve streets in the City (the "Street Maintenance Program"), that property tax increases should be avoided, and that voters should be given a choice as to the method used to finance public services; and

WHEREAS, the Governing Body has determined it is in the best interests of the City to raise additional revenue by renewing the levy of a three-eighths of one percent (.375%) Citywide Retailers' Sales Tax, such tax to take effect on April 1, 2024, or as soon thereafter as permitted by law, and ending on March 31, 2034, and, if approved, will continue the City's current one and five hundredths percent (1.50%) citywide retailers' sales tax; 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 such new tax.

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

SECTION ONE: An election is hereby called to be held in the manner prescribed by law on the 25th day of April, 2023 for the purpose of submitting to the qualified electors of the City of Olathe, Kansas, a special question to authorize the City of Olathe to levy a new Citywide Retailers' Sales Tax within the City in an amount of three-eighths of one percent (.375%) in order to fund the Street Maintenance Program of repairing, rebuilding, rehabilitating, upgrading and improving streets in the City. Such renewed tax, if approved by a majority of the electors voting thereon, to take effect on April 1, 2024, or as soon thereafter as permitted by law, and to end on March 31, 2034. If approved, such tax will continue the City's current one and one-half percent (1.50%) citywide retailers' sales tax levied by the City.

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

Shall the following be adopted?

Should the City of Olathe Kansas, pursuant to the provisions of K.S.A. 12-187, be authorized to renew the levy of a three-eighths of one percent (.375%) special purpose citywide retailers' sales tax within the City of Olathe, Kansas; such renewed tax, if approved by a majority of the electors voting thereon, to take effect on April 1, 2024, or as soon thereafter as permitted by law, and to end ten years after its commencement on March 31, 2034; the revenue from the renewed tax be used for the sole purpose of financing, in whole or in part with any other funds, the cost of repairing, rebuilding, rehabilitating, upgrading and improving streets in the City of Olathe (the "Street Maintenance Program"); such program to include the repair, reconstruction and rehabilitation of street pavement, curb and gutters, sidewalks and such other work as is necessary to maintain, repair and renew city streets; if approved, such tax will continue the City's current one and one-half percent (1.50%) citywide retailers' sales tax levied within the City?

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 shall be conducted by the Johnson County Election Commissioner, and the City Clerk and the Johnson County Election Commissioner shall cause notice of the special question election to be published 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, the City Clerk is hereby directed to deliver a certified copy of this ordinance to the Johnson County Election Commissioner.

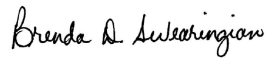
PASSED by the Governing Body this 6th day of December, 2022.

SIGNED by the Mayor this 7th day of December, 2022.


John W Bacon (Dec 7, 2022 09:30 CST)

Mayor

ATTEST:



City Clerk



APPROVED AS TO FORM:



Ron Shaver (Dec 7, 2022 10:02 CST)

City Attorney

Publish and return the Proof of Publication to the City Clerk and City Attorney.

The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

ATTN: CITY CLERK
CITY OF OLATHE
100 E SANTA FE ST
OLATHE KS 66061-3409

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

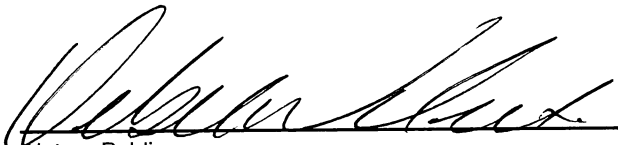
ORDINANCE NO. 22-62
12/13/22



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

December 13, 2022



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L10271
Publication Fees: \$93.39

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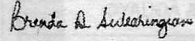
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Tim W. Bacon (Dec 7, 2022 09:30 CST)

Mayor

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City Clerk

APPROVED AS TO FORM:


Paul Sharver (Dec 7, 2022 10:02 CST)

City Attorney

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