

ORDINANCE NO. STE-3403

AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON THE TWENTY SECOND DAY OF JUNE, 2023, IN THE CITY OF OVERLAND PARK, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY A PROPOSITION TO AUTHORIZE THE CITY OF OVERLAND PARK, KANSAS, TO LEVY A THREE-EIGHTH OF ONE PERCENT (0.375%) SPECIAL PURPOSE CITY RETAILERS' SALES TAX WITHIN THE CITY OF OVERLAND PARK, KANSAS, AND TO USE THE REVENUE FROM THE TAX TO FUND AN INFRASTRUCTURE IMPROVEMENT PROGRAM CONSISTING OF REPAIRING, REBUILDING, REHABILITATING, UPGRADING, CONSTRUCTING AND IMPROVING CITY STREETS AND RELATED INFRASTRUCTURE, AND TO FUND A TRAFFIC MANAGEMENT PROGRAM, INCLUDING BUT NOT LIMITED TO, REPAIRING, UPGRADING AND REPLACING TRAFFIC SIGNALIZATION, SUCH TAX TO TAKE EFFECT ON APRIL 1, 2024, THE DAY FOLLOWING EXPIRATION OF THE EXISTING ONE-EIGHTH OF ONE PERCENT (0.125%) SPECIAL PURPOSE CITY RETAILERS' SALES TAX; SUCH TAX TO END MARCH 31, 2034; AND SUCH TAX TO BE IN ADDITION TO THE ONGOING ONE PERCENT (1.0%) CITY RETAILERS' SALES TAX CURRENTLY LEVIED; REQUESTING THE JOHNSON COUNTY ELECTION COMMISSIONER TO AUTHORIZE THE CONDUCT OF SAID SPECIAL ELECTION AS A MAIL BALLOT ELECTION IN ACCORDANCE WITH K.S.A. 25-431 *ET SEQ.*, AS AMENDED; AND REQUESTING THAT THE JOHNSON COUNTY ELECTION COMMISSIONER PREPARE A WRITTEN PLAN FOR THE CONDUCT OF THE ELECTION AS A MAIL BALLOT ELECTION AND SEEK ITS APPROVAL FROM THE SECRETARY OF STATE OF KANSAS, ALL PURSUANT TO K.S.A. 25-431 *ET SEQ.*, AS AMENDED.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, authorizes cities, including the City of Overland Park, Kansas ("City"), to submit to the qualified electors of the City the proposition of levying a special purpose retailers' sales tax within the City in increments of 0.05%, but not to exceed 1%, such tax to expire after 10 years from the date such tax is first collected; and

WHEREAS, K.S.A. 12-187 *et seq.*, requires the City to specify the purposes for which any special purpose retailers' sales tax is imposed within the City; and

WHEREAS, the existing one-eighth of one percent (0.125%) City Retailers' Sales Tax used to fund street improvement programs commenced on April 1, 2014, and will expire on March 31, 2024; and

WHEREAS, by the time of its expiration on March 31, 2024, the existing one-eighth of one percent (0.125%) Special Purpose City Retailers' Sales Tax will have resulted in the investment of approximately sixty-two million dollars (\$62,000,000) in street improvement

programs; and

WHEREAS, the Governing Body of the City has determined that additional revenue is needed for the purpose of funding an infrastructure improvement program consisting of repairing, rebuilding, rehabilitating, upgrading, constructing and improving City streets and related infrastructure, and to fund a traffic management program, including but not limited to, repairing, upgrading and replacing traffic signalization in the City; and

WHEREAS, it is in the best interest of the City to raise the additional revenues by a levy of a three-eighth of one percent (0.375%) Special Purpose City Retailers' Sales Tax (also known as "OP Moves"), such tax to take effect on April 1, 2024, the day following expiration of the existing one-eighth of one percent (0.125%) Special Purpose City Retailers' Sales Tax; such tax to end on March 31, 2034; and such tax to be in addition to the ongoing one percent (1%) City Retailers' Sales Tax currently levied; and

WHEREAS, it is in the best interest of the City to call an election for the authority to levy such tax.

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

SECTION 1. A special election is hereby called to be held in the manner prescribed by law on June 22, 2023, for the purpose of submitting to the qualified electors of the City of Overland Park, Kansas, a proposition to authorize the City to levy a Special Purpose City Retailers' Sales Tax within the City of Overland Park, Kansas, in the amount of three-eighth of one percent (0.375%) and to use the revenue from the tax, in whole or in part with any other funds, to fund an infrastructure improvement program consisting of repairing, rebuilding, rehabilitating, upgrading, constructing and improving City streets and related infrastructure, and to fund a traffic management program, including but not limited to, repairing, upgrading and replacing traffic signalization, if approved by a majority of the electors voting thereon, to take effect on April 1, 2024, the day following expiration of the existing one-eighth of one percent (0.125%) Special Purpose City Retailers' Sales Tax; such tax to end on March 31, 2034; and such tax to be in addition to the ongoing one percent (1%) City Retailers' Sales Tax currently levied.

SECTION 2. At the special election, the proposition to be voted upon shall appear on the ballot as follows:

Shall the following be adopted?

Shall the City of Overland Park, Kansas (the "City"), be authorized to levy a three-eighth of one percent (0.375%) Special Purpose City Retailers' Sales Tax within the City of Overland Park, Kansas (also known as "OP Moves"), and to use the revenue from the tax, in whole or in part with any other funds, to fund an infrastructure improvement program consisting of repairing, rebuilding, rehabilitating, upgrading, constructing and improving City streets and related infrastructure, and to fund a traffic management program, including but not

limited to, repairing, upgrading and replacing traffic signalization; such tax to take effect on April 1, 2024, the day following expiration of the existing one-eighth of one percent (0.125%) Special Purpose City Retailers' Sales Tax; such tax to end March 31, 2034; and such tax to be in addition to the ongoing one percent (1.0%) City Retailers' Sales Tax currently levied?

SECTION 3. The Johnson County Election Commissioner is requested to conduct the special election as a mail ballot election in accordance with the Mail Ballot Election Act, K.S.A. 25-431 *et seq.*, as amended; to prepare a written plan for the conduct of the election as a mail ballot election; to seek approval of the written plan from the Secretary of State of Kansas; and, in conjunction with the City Clerk, to cause notice of the mail ballot special election to be published in accordance with K.S.A. 12-187 *et seq.*, as amended, and K.S.A. 10-120.

SECTION 4. 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 which shall be utilized to administer, enforce and collect such tax.

SECTION 5. This ordinance shall be published forthwith in an official City newspaper, and shall take effect and be in force from and after May 9, 2023.

SECTION 6. 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 of the City of Overland Park, Kansas, this 6th day of March, 2023.

APPROVED by the Mayor of the City of Overland Park, Kansas, this 6th day of March, 2023.

(s) Curt Skoog
Curt Skoog, Mayor

ATTEST:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

APPROVED AS TO FORM:

(s) Michael Koss
Michael Koss, Deputy City Attorney