CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	1/22/2012	
RESOLUTION OR ORDINANCE NUMBER	R-13-07	
AGENDA TITLE	**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF COFFEYVILLE, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE-HALF PERCENT (1/2%) CITY-WIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING THE COSTS OF GENERAL TRANSPORTATION IMPROVEMENTS THROUGHOUT THE CITY; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.**	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Gary Bradley	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	N/A
	Balance Available	N/A
	New Appropriation Required:	[ ] Yes [X] No
PURPOSE	Authorizes and provides for the calling of an election submitting a sales tax question to the voters for a ½ cent sales tax for transportation improvements.	

BACKGROUND	In 2003, voters approved a ½ cent sales tax for Waste Water Infrastructure and Transportation Improvements. The tax is set to expire on December 31, 2013. Admittedly, the idea of placing this tax on the ballot right now conflicts with the approach that I would typically prefer to take with regard to such improvements. Ideally, the results of the Residential Survey would be complete. If, in the opinion of our stakeholders streets were a top priority, the Capital Improvements Program would be in place, identifying a planned approach to addressing their concerns. The CIP, in turn, would have been based on an up-to-date assessment of our infrastructure, and engineers' estimates would enable us to project the streets that would be improved with the proceeds of the tax, along with an understanding of the phasing of such improvements. However, the results of the residential survey and assessment of streets will not be completed in time for them to be considered in order for the proposed sales tax to be placed on the April ballot. While both should be completed prior to the election itself, the CIP will not be completed until June. Based on intuition, experience, conversations with the public, and my own observations of the city's streets, I am confident that addressing our transportation needs should be among our top priorities. Delaying such an item from being placed on the ballot until the supporting documents are completed will, in my opinion, only result in the City having to pay additional costs in order to have the same measure placed on the ballot for a special election to be held in the summer or fall.

SPECIAL NOTES	Gilmore and Bell has developed both the resolution and attached supporting documents to ensure their compliance with state statutes. Two versions of the resolution are included for your consideration. One levies the tax for ten years, while the other sunsets in fifteen. I believe that it would be easier to project what we would do with the funds for the ten year version, and the shorter window allows for more accountability to the voters in that if they do not believe the funds are being spent wisely, they have the option of not voting for a renewal if one is proposed when this tax sunsets. However, the fifteen year variety does provide for a greater amount of funding should the City opt to issue bonds to facilitate project completion.
ANALYSIS	N/A
PUBLIC INFORMATION PROCESS	There have been no public information efforts prior to placing this item on the agenda, but as a ballot measure, there are significant legal requirements for public notice and significant additional measures will be taken to ensure that members of the public are informed regarding this matter.
BOARD OR COMMISSION RECOMMENDATION	
STAFF RECOMMENDATION	Staff recommends approval of this resolution.
REFERENCE DOCUMENTS ATTACHED	

RESOLUTION NO. R-13-07

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF COFFEYVILLE, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE-HALF PERCENT (1/2%) CITY-WIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING THE COSTS OF GENERAL TRANSPORTATION IMPROVEMENTS THROUGHOUT THE CITY; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, (the "Act") authorizes the governing body (the "Governing Body") of the City of Coffeyville, Kansas (the "City") to submit to the electors of the City the question of imposing City-wide retailers' sales taxes, which may be in an amount not to exceed two-percent (2%) for general purposes or in an additional amount not to exceed one percent (1%) for special purposes, provided sales taxes for special purposes shall expire ten (10) years from the initial date of collection thereof; and

WHEREAS, pursuant to the Act, as amended by Charter Ordinance No. 23, the electors of the City have heretofore approved propositions to authorize the levy of City-wide retailers' sales taxes as follows:

(a) one-half percent for general purposes;
(b) one-half percent for capital improvements (including street improvements), capital equipment and economic development initiatives, commencing on July 1, 1999 and ending on June 30, 2014 (the "1999 Capital Improvements Sales Tax");
(c) one-half percent for USD 445 educational purposes, commencing on October 1, 2002 and ending on September 30, 2022;
(d) one-half percent for health care purposes, commencing on October 1, 2002 and ending on September 30, 2022;
(e) one-half percent for wastewater utility and transportation improvements, commencing on January 1, 2004 and ending on December 31, 2013 (the "2004 Transportation Sales Tax"); and
(f) one-half percent for street improvements, commencing on April 1, 2010 and ending on March 31, 2015; and
(g) one-half percent for capital improvements (including, but not limited to improvements to public buildings), capital equipment and economic development initiatives, commencing upon the expiration of the 1999 Capital Improvements Sales Tax on July 1, 2014 or as soon thereafter as permitted by the Act, and ending on June 30, 2029; and

WHEREAS, the governing body of the City (the "Governing Body") deems it advisable that additional funds other than from ad valorem property taxation be derived to finance general

transportation improvements throughout the City including, but not limited to streets, curbing, and sidewalks, after the expiration of the 2004 Transportation Sales Tax; and

WHEREAS, the Governing Body deems it advisable that funds to finance such purposes be derived by the imposition of a one-half percent (1/2%) City-wide retailers' sales tax (the "2014 Transportation Sales Tax"); and

WHEREAS, the Governing Body has determined the electors of the City should be given a choice as to the method used to finance such general transportation improvements; and

WHEREAS, in order to authorize such 2014 Transportation Sales Tax, it is deemed advisable to call a special question election in the City on April 2, 2013, in conjunction with the general election held on said date; and

WHEREAS, if approved, the 2014 Transportation Sales Tax will constitute a sales tax imposed for general purposes, as said term is described in K.S.A. 12-189, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COFFEYVILLE, KANSAS:

SECTION 1. 2014 Transportation Sales Tax. It is hereby deemed necessary and advisable and in the best interests of the citizens of the City to finance the costs of general transportation improvements throughout the City including, but not limited to streets, curbing, and sidewalks, after the expiration of the 2004 Transportation Sales Tax by the imposition of the 2014 Transportation Sales Tax. Collection of the 2014 Transportation Sales Tax, if approved by the electors of the City, shall commence upon the expiration of the 2004 Transportation Sales Tax on January 1, 2014, or as soon thereafter as permitted by the Act, and shall terminate [ten (10)][fifteen (15)] years after its commencement.

SECTION 2. **Special Question Election.** It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on April 2, 2013, in conjunction with the general election held on said date, at which time there shall be submitted to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Coffeyville, Kansas be authorized to impose a one-half percent (1/2%) City-wide retailers' sales tax (the "2014 Transportation Sales Tax"), the proceeds of which shall be used to finance the costs of general transportation improvements throughout the City including, but not limited to streets, curbing, and sidewalks; the collection of such 2014 Transportation Sales Tax shall commence upon the expiration of the existing one-half percent (1/2%) City-wide retailers' sales tax imposed for wastewater utility and transportation improvement purposes, on January 1, 2014, or as soon thereafter as permitted by law, and shall terminate [ten (10)] [fifteen (15)] years after its commencement; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

SECTION 3. **Special Question Election Procedures**. The vote at said special question election shall be by shall be by ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law. The City Clerk shall transmit a copy of this Resolution to the Montgomery County Clerk to give notice of the special question election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as ***Exhibit A*** once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication to be not less than twenty-one (21) days prior to the date of the special question election, and the last publication shall be not more than ninety (90) days prior to the date of the special question election.

SECTION 4. Effective Date. This Resolution shall be effective from and after adoption by the Governing Body.

ADOPTED by the Governing Body of the City of Coffeyville, Kansas, on January 22, 2013.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Resolution; that said Resolution was adopted on January 22, 2013; as the same appears of record in my office.

DATED: January 22, 2013.

_____
Cindy Price, City Clerk

EXHIBIT A

(First published in the ***Coffeyville Journal*** on February 13, 2013, and subsequently on February 20, 2013)

NOTICE OF SPECIAL QUESTION ELECTION
CITY OF COFFEYVILLE, KANSAS

The City Commission of the City of Coffeyville, Kansas (the "City"), has heretofore, pursuant to a resolution duly adopted on January 22, 2013, declared it advisable to conduct a special question election relating to the imposition of a one-half percent (1/2%) City-wide retailers' sales tax, the proceeds of which shall be used to finance the costs of general transportation improvements throughout the City including, but not limited to streets, curbing, and sidewalks (the "2014 Transportation Sales Tax"). Notice is hereby given to the qualified electors of the City that a special question election has been called and will be held on April 2, 2013, in conjunction with the general election held on said date, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Coffeyville, Kansas be authorized to impose a one-half percent (1/2%) City-wide retailers' sales tax (the "2014 Transportation Sales Tax"), the proceeds of which shall be used to finance the costs of general transportation improvements throughout the City including, but not limited to streets, curbing, and sidewalks; the collection of such 2014 Transportation Sales Tax shall commence upon the expiration of the existing one-half percent (1/2%) City-wide retailers' sales tax imposed for wastewater utility and transportation improvement purposes, on January 1, 2014, or as soon thereafter as permitted by law, and shall terminate [ten (10)][fifteen (15)] years after its commencement; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

* *

To vote in favor of any question submitted on this ballot, darken the oval to the left of the word "Yes." To vote against it, darken the oval to the left of the word "No."

◯ YES

◯ NO

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The polls will open at 7:00 o'clock A.M. and will close at 7:00 o'clock P.M., on April 2, 2013, the election day. The voting places in the City and the area each voting place will serve will be as follows:

[To be updated by the County Clerk as necessary]

Voters Residing In Precinct	***Will Vote At***	***Location***
1st Precinct	Youth Activity Center	502 Walnut, Coffeyville
2nd Precinct	Youth Activity Center	502 Walnut, Coffeyville
3rd Precinct	Youth Activity Center	502 Walnut, Coffeyville
4th Precinct	Grace Fellowship Church	2455 Woodland, Coffeyville
5th Precinct	Grace Fellowship Church	2455 Woodland, Coffeyville

6th Precinct	Grace Fellowship Church	2455 Woodland, Coffeyville
7th Precinct	Youth Activity Center	502 Walnut, Coffeyville
8th Precinct	Youth Activity Center	502 Walnut, Coffeyville
9th Precinct	Youth Activity Center	502 Walnut, Coffeyville
10th Precinct	Youth Activity Center	502 Walnut, Coffeyville
11th Precinct	Grace Fellowship Church	2455 Woodland, Coffeyville
12th Precinct	Grace Fellowship Church	2455 Woodland, Coffeyville
13th Precinct	Grace Fellowship Church	2455 Woodland, Coffeyville

The election will be conducted by the officers and/or persons provided by law for holding elections, and the method of voting will be by ballot. Registered voters are eligible to vote by advance voting ballot upon application to the Montgomery County Clerk set forth below pursuant to K.S.A. 25-1117 *et seq.*

ADDITIONAL INFORMATION

The following additional information is provided by the City with respect to the impact of this ballot question.

The City currently imposes a one-half percent (1/2%) City-wide retailers' sales tax (the "2004 Transportation Sales Tax"), the proceeds of which are being used to finance the costs of wastewater utility and transportation improvements. The 2004 Transportation Sales Tax was approved by the electors of the City at an election and the collection of the 2004 Transportation Sales Tax commenced on January 1, 2004 and shall terminate on December 31, 2013. Passage of this ballot proposition would authorize the City to impose a one-half percent (1/2%) City-wide retailers' sales tax (the "2014 Transportation Sales Tax") the proceeds of which shall be used to finance the costs of general transportation improvements throughout the City including, but not limited to streets, curbing, and sidewalks. Collection of the 2014 Transportation Sales Tax, if approved by the electors of the City, shall commence upon the expiration of the 2004 Transportation Sales Tax on January 1, 2014, or as soon thereafter as permitted by the Act, and shall terminate [ten (10)][fifteen (15)] years after its commencement.

The net effect of passage of the ballot proposition would be to continue the imposition of a one-half percent (1/2%) City-wide retailers' sales tax, the proceeds of which would be used to finance the costs of general transportation improvements throughout the City for an additional [ten (10)][fifteen (15)] years.

* *

The election officer conducting the election will be the County Clerk, Montgomery County, Kansas, whose address is County Courthouse, 217 E. Myrtle, Independence, Kansas 67301.

DATED: January 22, 2013.

(Seal)

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Charlotte Scott-Schmidt, County Clerk
Montgomery County, Kansas