

RESOLUTION NO. 2022-10

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF MCPHERSON, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE-HALF PERCENT (0.50%) CITYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF PAYING THE CITY'S COSTS OF STREETS, DRAINAGE, AND OTHER CAPITAL AND COMMUNITY IMPROVEMENTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL QUESTION ELECTION.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended (the "Act") authorizes the governing body (the "Governing Body") of the City of McPherson, Kansas (the "City") to submit to the electors of the City the question of imposing a Citywide retailers' sales; and

WHEREAS, pursuant to the Act the electors of the City have heretofore approved the imposition of the following Citywide retailers' sales taxes (collectively the "Existing Sales Taxes"):

(a) 0.50% special purpose citywide retailers' sales tax approved in 2012 to finance various capital improvements within the City, collection of which commenced on October 1, 2013, and is expected to terminate on September 30, 2023 (the "2013 Sales Tax"); and

(b) 0.50% special purpose citywide retailers' sales tax approved in 2017 to finance the City's expenses relating to the costs of construction, reconstruction, operation, and maintenance of public streets, sidewalks, street related drainage, traffic control devices, maintenance and expense of street lights, curbs and improvements appurtenant thereto within the City and related financing costs, collection of which commenced on January 1, 2021, and is expected to terminate on December 31, 2030 (the "2021 Sales Tax"); and

WHEREAS, the Existing Sales Taxes constitute sales taxes imposed for special purposes, as said term is described in K.S.A. 12-189, as amended; and

WHEREAS, the Governing Body hereby deems it advisable to finance the costs of street and drainage improvements, and of other capital and community improvements, including but not limited to public lands and facilities, law enforcement projects, and museum facilities and support (collectively the "Projects") by the imposition of a Citywide retailers' sales tax; provided the electors of the City authorize such expenditures at an election held in the City for such purpose; and

WHEREAS, in order to finance the costs of the Projects, the Governing Body deems it advisable to provide for the calling of a special question election in the City on August 2, 2022, for the purpose of submitting to the qualified electors of the City the question of imposing a one-half percent (0.50%) Citywide retailers' sales tax (the "2023 Sales Tax"); and

WHEREAS, if approved, the 2023 Sales Tax will constitute a sales tax imposed for special purposes, as said term is described in K.S.A. 12-189, as amended; and

WHEREAS, in order to authorize such 2023 Sales Tax, it is deemed advisable to call a special question election in the City to be held on August 2, 2022.

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

SECTION 1. Public Purpose; Implementation of 2023 Sales Tax. It is hereby deemed necessary and advisable and in the best interests of the citizens of the City to authorize and impose the 2023 Sales Tax, with the revenues to be derived therefrom to be used for the purpose of financing the costs of the following and related expenditures:

- (a) 70% of the revenue from the 2023 Sales Tax to finance street and drainage improvements;
- (b) 20% of the revenue from the 2023 Sales Tax to finance public lands and facilities;
- (c) 5% of the revenue from the 2023 Sales Tax to finance law enforcement projects; and
- (d) 5% of the revenue from the 2023 Sales Tax to finance museum facilities and support.

Collection of the 2023 Sales Tax, if approved by the electors of the City, shall commence on the expiration date of the 2013 Sales Tax (which is expected to be October 1, 2023), or as soon thereafter as permitted by the Act, and to terminate 10 years after its commencement. All proceeds of the 2023 Sales Tax shall be applied for the purposes set forth in this **Section 1**; provided, however, in the event that other City funds are required to be utilized for such purposes, such City funds may be reimbursed from the proceeds of the 2023 Sales Tax.

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 August 2, 2022, 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 McPherson, Kansas be authorized to impose a one-half percent (0.50%) Citywide retailers' sales tax (the "Sales Tax"), the revenues to be derived therefrom to be used for the purpose of financing the costs of the following and related expenditures:

- (a) 70% of the revenue from the Sales Tax to finance street and drainage improvements;
- (b) 20% of the revenue from the Sales Tax to finance public lands and facilities;
- (c) 5% of the revenue from the Sales Tax to finance law enforcement projects; and
- (d) 5% of the revenue from the Sales Tax to finance museum facilities and support; with the collection of the Sales Tax to commence on the expiration of the existing 0.50% Citywide retailers' sales tax approved at an election held in 2012 to finance various capital improvements within the City (which is expected to be October 1, 2023), and to expire ten (10) 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 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 McPherson 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 forty-five (45) days prior to the date of the special question election.

SECTION 4. Effective Date. This Resolution shall be effective from and after its adoption.

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BLH
City Clerk

Thomas A Brewer
Mayor

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the Governing Body on May 24, 2022, as the same appears of record in my office.

DATED: May 24, 2022.

BLH
City Clerk

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EXHIBIT A

(Published in ***The McPherson Sentinel*** on [], 2022 and [], 2022)

NOTICE OF SPECIAL QUESTION ELECTION CITY OF MCPHERSON, KANSAS

The City Commission of the City of McPherson, Kansas (the "City"), has heretofore, pursuant to a resolution duly adopted, declared it advisable to conduct a special question election relating to the imposition of a one-half percent (0.50%) Citywide retailers' sales tax. Notice is hereby given to the qualified electors of the City that such special question election has been called and will be held on August 2, 2022, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of McPherson, Kansas be authorized to impose a one-half percent (0.50%) Citywide retailers' sales tax (the "Sales Tax"), the revenues to be derived therefrom to be used for the purpose of financing the costs of the following and related expenditures: (a) 70% of the revenue from the Sales Tax to finance street and drainage improvements; (b) 20% of the revenue from the Sales Tax to finance public lands and facilities; (c) 5% of the revenue from the Sales Tax to finance law enforcement projects; and (d) 5% of the revenue from the Sales Tax to finance museum facilities and support; with the collection of the Sales Tax to commence on the expiration of the existing 0.50% Citywide retailers' sales tax approved at an election held in 2012 to finance various capital improvements within the City (which is expected to be October 1, 2023), and to expire ten (10) 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

The polls will open at 7:00 o'clock A.M. and will close at 7:00 o'clock P.M., on August 2, 2022, the election day. The voting places in the City, and the area each voting place will serve, will be as follows:

Voters Residing In Precinct	Will Vote At	Location
McPherson Ward 1	[]	
McPherson Ward 2		
McPherson Ward 3		
McPherson Ward 4		

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 County Clerk at the address set forth below pursuant to K.S.A. 25-1117 *et seq.*

ADDITIONAL INFORMATION

2023 Sales Tax. Approval of the special question election would authorize the City of McPherson, Kansas (the “City”) to impose a special purpose one-half percent (0.50%) Citywide retailers’ sales tax (the “2023 Sales Tax”), the proceeds of which shall be used to finance the purposes described therein. The 2023 Sales Tax, if approved by the electors of the City, shall commence on October 1, 2023, or as soon thereafter as permitted by law, upon the expiration of the City’s existing 2013 Sales Tax described below, and to terminate 10 years after its commencement.

2013 Sales Tax. The City’s electors approved a 0.50% special purpose citywide retailers’ sales tax in 2012 to finance various capital improvements within the City (the “2013 Sales Tax”). Collection of the 2013 Sales Tax commenced on October 1, 2013, and is expected to terminate on September 30, 2023.

2021 Sales Tax. The City’s electors approved a 0.50% special purpose citywide retailers’ sales tax in 2017 to finance the City’s expenses relating to the costs of construction, reconstruction, operation, and maintenance of public streets, sidewalks, street related drainage, traffic control devices, maintenance and expense of street lights, curbs and improvements appurtenant thereto within the City and related financing costs (the “2021 Sales Tax”). Collection of the 2021 Sales Tax commenced on January 1, 2021, and is expected to terminate on December 31, 2030.

The election officer conducting the election will be the County Clerk of McPherson County, Kansas, whose address is: McPherson County Courthouse, 117 N. Maple, P.O. Box 425, McPherson, Kansas 67460; Phone No. (620) 241-3656.

DATED: _____, 2022

Hollie D. Melroy, County Clerk
McPherson County, Kansas

BALLOT CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF MCPHERSON)

I, County Clerk of McPherson County, Kansas, do hereby certify that attached below is a true and correct copy of the ballot label used at the special question election held on August 2, 2022, in the City of McPherson, Kansas on the proposition set forth in the ballot; and that the judges and clerks duly qualified by taking their respective oaths before assuming their duties at the election.

WITNESS my hand and official seal on August 2, 2022.

(Seal)

Hollie D. Melroy, County Clerk
McPherson County, Kansas

[affix copy of ballot label]

STATE OF KANSAS
OFFICIAL BALLOT

CITY OF MCPHERSON, KANSAS

AUGUST 2, 2022

NOTICE

If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot or set of ballots.

TO VOTE IN FAVOR OF ANY QUESTION SUBMITTED UPON 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".

SHALL THE FOLLOWING BE ADOPTED?

SHALL THE CITY OF MCPHERSON, KANSAS BE AUTHORIZED TO IMPOSE A ONE-HALF PERCENT (0.50%) CITYWIDE RETAILERS' SALES TAX (THE "SALES TAX"), THE REVENUES TO BE DERIVED THEREFROM TO BE USED FOR THE PURPOSE OF FINANCING THE COSTS OF THE FOLLOWING AND RELATED EXPENDITURES: (A) 70% OF THE REVENUE FROM THE SALES TAX TO FINANCE STREET AND DRAINAGE IMPROVEMENTS; (B) 20% OF THE REVENUE FROM THE SALES TAX TO FINANCE PUBLIC LANDS AND FACILITIES; (C) 5% OF THE REVENUE FROM THE SALES TAX TO FINANCE LAW ENFORCEMENT PROJECTS; AND (D) 5% OF THE REVENUE FROM THE SALES TAX TO FINANCE MUSEUM FACILITIES AND SUPPORT; WITH THE COLLECTION OF THE SALES TAX TO COMMENCE ON THE EXPIRATION OF THE EXISTING 0.50% CITYWIDE RETAILERS' SALES TAX APPROVED AT AN ELECTION HELD IN 2012 TO FINANCE VARIOUS CAPITAL IMPROVEMENTS WITHIN THE CITY (WHICH IS EXPECTED TO BE OCTOBER 1, 2023), AND TO EXPIRE TEN (10) YEARS AFTER ITS COMMENCEMENT; ALL PURSUANT TO THE PROVISIONS OF K.S.A. 12-187 *ET SEQ.*, AS AMENDED?

YES

NO

**STATE OF KANSAS
OFFICIAL BALLOT**

CITY OF MCPHERSON, KANSAS

QUESTION SUBMITTED

SPECIAL QUESTION ELECTION

AUGUST 2, 2022

MCPHERSON COUNTY, KANSAS

CERTIFICATION OF CANVASS OF VOTES

STATE OF KANSAS)
) ss:
COUNTY OF MCPHERSON)

I, the undersigned County Clerk of McPherson County, Kansas, do hereby certify that the following are the true and correct results according to the abstract of votes cast at the special question election held on August 2, 2022, in the City of McPherson, Kansas, on the following proposition:

Shall the following be adopted?

Shall the City of McPherson, Kansas be authorized to impose a one-half percent (0.50%) Citywide retailers' sales tax (the "Sales Tax"), the revenues to be derived therefrom to be used for the purpose of financing the costs of the following and related expenditures: (a) 70% of the revenue from the Sales Tax to finance street and drainage improvements; (b) 20% of the revenue from the Sales Tax to finance public lands and facilities; (c) 5% of the revenue from the Sales Tax to finance law enforcement projects; and (d) 5% of the revenue from the Sales Tax to finance museum facilities and support; with the collection of the Sales Tax to commence on the expiration of the existing 0.50% Citywide retailers' sales tax approved at an election held in 2012 to finance various capital improvements within the City (which is expected to be October 1, 2023), and to expire ten (10) years after its commencement; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

as shown by the returns of said election which are on file in the Office of the County Clerk and canvassed as provided by law:

Yes -----

No. -----

Void _____

Total Vote -----

WITNESS my hand and official seal on August , 2022.

(Seal)

Hollie D. Melroy, County Clerk
McPherson County, Kansas