

ORDINANCE NO. 22-3417

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF ABILENE, KANSAS THE PROPOSITION OF LEVYING A ONE-QUARTER OF ONE PERCENT (0.25%) RETAILERS' SALES TAX FOR THE PURPOSE OF FUNDING A LOCAL STREET IMPROVEMENT PROGRAM IN THE CITY OF ABILENE, KANSAS.

WHEREAS, K.S.A. 12-187 *et seq.*, authorizes the governing body of the City of Abilene, Kansas ("City") to submit to the qualified electors of the City the question of levying a retailers' sales tax in the City and pledging the revenue received from the tax to certain purposes of the City with the tax to be collected by the Kansas Department of Revenue and returned to the City; and

WHEREAS, the governing body of the City has determined it is necessary to authorize the levy of a 0.25% retailers' sales tax, to begin as soon as the tax may be levied by the Kansas Department of Revenue, which date is expected to be April 1, 2023, with revenue received from the tax used for the specific governmental purposes as described in the ballot question approved by this Ordinance.

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

Section 1. A special question election is called to be conducted on November 8, 2022, for the purpose of submitting to the qualified electors of the City the question of levying a retailers' sales tax in the City in the amount of one-quarter of one percent (0.25%), with such tax to take effect as soon as the tax may be levied by the Kansas Department of Revenue, which date is expected to be April 1, 2023, if approved by a majority of the electors voting on the question. The election shall be conducted in the manner prescribed by applicable laws of the State of Kansas.

Section 2. If approved by a majority of the electors voting on the question, the retailers' sales tax will 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 3. The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of one-quarter of one percent (0.25%) be levied in the City of Abilene, Kansas to take effect April 1, 2023 or as soon thereafter as such tax may be levied by the Kansas Department of Revenue, with revenue from such tax used to fund a Local Street Improvement Program; and provided that such retailers' sales tax shall expire on the date ten years after it is first levied, all pursuant to K.S.A. 12-187 *et seq.*, as amended?

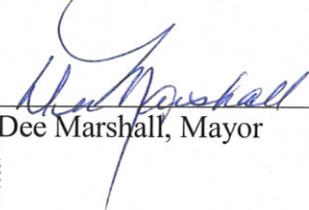
Section 4. The Dickinson County Clerk is authorized to and shall give notice of the election by publishing a Notice of Election (in substantially the form attached to this Ordinance as **Exhibit**

A) once each week for two consecutive weeks in a newspaper of general circulation in the City, as provided in K.S.A. 12-187 *et seq.*, and K.S.A. 10-120, with the first publication to be not less than twenty-one (21) days prior to the date of the election. The vote at the election shall be by ballot and the proposition approved by this Ordinance shall be printed on the ballot with the voting instructions required by law.

Section 5. This Ordinance shall take effect from and after its adoption by the Governing Body of the City and publication one time in the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 8th day of August, 2022.




Dee Marshall, Mayor

Attest:

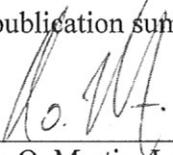

Shayla Mohr, City Clerk

(Published August ____, 2022)

Ordinance No. 22-3417 Summary

On August 8, 2022, the City Commission passed Ordinance No. 22-3417. The ordinance calls a special question election to be conducted on November 8, 2022, for the purpose of submitting to the qualified electors of the City of Abilene, Kansas the question of levying a retailers' sales tax in the City of Abilene in the amount of one-quarter of one percent (0.25%), with revenue from such sales tax used to fund a Local Street Improvement Program. If approved by a majority of the electors voting on the question, such tax would take effect as soon as the tax may be levied by the Kansas Department of Revenue, which date is expected to be April 1, 2023, and such tax would expire on the date ten years after it is first levied, all pursuant to K.S.A. 12-187 *et seq.*, as amended. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

The publication summary set forth above is certified this 9th day of August, 2022.



Aaron O. Martin, Legal Counsel

Exhibit A
to Ordinance No. 22-3417

NOTICE OF SPECIAL QUESTION ELECTION

TO ALL OF THE QUALIFIED ELECTORS OF THE CITY OF ABILENE, KANSAS:

Notice is given by the Governing Body of the City of Abilene, Kansas and the County Election Officer of Dickinson County, Kansas that a special question election will be held in the City of Abilene on November 8, 2022, for the purpose of voting on the question of levying a city retailers' sales tax in the amount of one-quarter of one percent (0.25%) on retail sales consummated within the City of Abilene, Kansas, according to the provisions of K.S.A. 12-187, *et seq.* If approved, the retailers' sales tax will begin on April 1, 2023 or as soon thereafter as the tax may be levied by the Kansas Department of Revenue and the revenue received by the City will be used for public purposes as described in the ballot question. If approved by a majority of the electors voting such tax shall be collected by the Kansas Department of Revenue, and the revenue returned to the city of Abilene.

The polls will be open for voting between 7:00 a.m. and 7:00 p.m. on November 8, 2022, at the following places:

[To be supplied by the county clerk/election officer]

The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of one-quarter of one percent (0.25%) be levied in the City of Abilene, Kansas to take effect April 1, 2023 or as soon thereafter as such tax may be levied by the Kansas Department of Revenue, with revenue from such tax used to fund a Local Street Improvement Program; and provided that such retailers' sales tax shall expire on the date ten years after it is first levied, all pursuant to K.S.A. 12-187 *et seq.*, as amended?

Yes

No

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "Yes;" to vote against it, make a cross or check mark in the square to the right of the word "No."

Dated: August 9, 2022

By: 
Jeanne Livingston
Dickinson County Clerk/Election Officer