

CITY OF SHAWNEE, KANSAS

CHARTER ORDINANCE NO. 33

A CHARTER ORDINANCE LEVYING A .125% RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING, CONSTRUCTING AND EQUIPPING A PUBLIC SAFETY CENTER AND FOR OTHER PUBLIC SAFETY PURPOSES; ENACTING OTHER PROVISIONS RELATING TO THE LEVYING AND COLLECTING OF A LOCAL RETAILERS' SALES TAX; AND EXEMPTING THE CITY FROM K.S.A. 12-187 AND K.S.A. 12-189;

WHEREAS, the City of Shawnee, Kansas, (the "City") is authorized to exercise the powers, functions, and duties of a city of the first class, including home-rule powers in the manner and subject to the limitations provided by Article XII, Section 5 of the Constitution of the State of Kansas; and

WHEREAS, K.S.A. 12-187 and 12-189 are part of an enactment of the Kansas Legislature (K.S.A. 12-187, *et seq.*) relating to the levying and collection of local retailers' sales taxes, which enactment does not apply uniformly to all cities; and

WHEREAS, the Governing Body desires, by this Charter Ordinance, to exempt the City from the provisions of K.S.A. 12-187 and K.S.A. 12-189, and to provide substitute and additional provisions for the levying and collecting of local retailers' sales taxes in the City.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Shawnee, Kansas:

SECTION 1. The City of Shawnee, Kansas, by the power vested in it by Article XII, Section 5 of the Constitution of the State of Kansas, hereby exempts itself from and makes inapplicable to it the provisions of K.S.A. 12-187 and K.S.A. 12-189 and does hereby provide the following substitute and additional provisions in place thereof.

SECTION 2. The City hereby imposes beginning January 1, 2005, a retailers' sales tax of .125% for the purpose of financing public safety operations, including the constructing and equipping of a justice center or a public safety center, including the payment of any bonds issued for such purposes.

SECTION 3. The City retailers' sales taxes currently in affect as of the effective date of this Charter Ordinance and any retailers' sales tax authorized by K.S.A. 12-187 submitted to and approved by the voters at the general election held on November 2, 2004, shall continue in effect and shall in no way be effected or invalidated by the provisions of this Charter Ordinance and the same shall be levied and collected the same as if this Charter Ordinance were not in effect.

SECTION 4. The City may submit the question of imposing a city retailers' sales tax, in addition to the retailers' sales taxes provided for in Section 2 and Section 3 hereof, in the amount of .125%, .25%, .5% or .75%, and pledge the revenue received therefrom for economic development initiatives, strategic planning initiatives, or for public infrastructure projects including buildings, to the electors at an election called and held thereon. Any additional sales tax imposed pursuant to this paragraph shall expire no later than ten years from the date of imposition thereof.

SECTION 5. Any City retailers' sales tax authorized by this Charter Ordinance shall be subject to the following conditions and levied and collected in the following manner:

- (a) The City shall give notice of its intention to submit a proposition for approval of any additional sales tax by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body shall provide by ordinance for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by this Charter Ordinance, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.
- (b) Any proposition levying any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.
- (c) The City shall utilize the services of the State Department of Revenue to administer, enforce and collect the citywide retailers' sales taxes levied under this Charter Ordinance. Such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the State Department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The State Director of Taxation shall administer, enforce and collect such local sales taxes and shall adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

- (d) Upon receipt of a certified copy of an ordinance authorizing the levy of a City retailers' sales tax, the State Director of Taxation shall cause such taxes to be collected within or without the boundaries of the City at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the Director of Taxation under the provisions of this Section shall be credited to the City retailers' sales tax fund which fund has been established in the state treasury. Any refund due on any City retailers' sales tax collected pursuant to K.S.A. 12-187, *et seq.*, and this Charter Ordinance shall be paid out of the sales tax refund fund and reimbursed by the Director of Taxation from collections of City retailers' sales tax revenue. All retailers' sales tax revenue collected within the City pursuant to K.S.A. 12-187, *et seq.*, and this Charter Ordinance shall be apportioned and remitted at least quarterly by the State Treasurer, on instruction from the Director of Taxation, to the Treasurer of the City.
- (e) The Director of Taxation shall provide, upon request by the City Clerk or City Treasurer, a monthly report identifying each retailer having a place of business in the City and setting forth the amount of such tax remitted by each retailer during the preceding month. Such report shall be made available to the City Clerk or City Treasurer within a reasonable time after it has been requested from the Director of Taxation. The Director of Taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by the City pursuant to this Section shall be confidential, and it shall be unlawful for any officer or employee of the City to divulge any such information in any manner. Any violation of this paragraph by a City officer or employee is a Class B misdemeanor, and such officer or employee shall be dismissed from office.

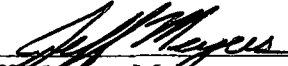
SECTION 6. Severability. In the event that any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 7. Publication. This Charter Ordinance shall be published once each week for two consecutive weeks in an official City newspaper.

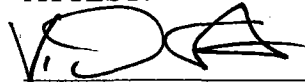
SECTION 8. Effective Date. This is a Charter Ordinance and its effectiveness is hereby made subject to a vote of the electors of the City of Shawnee, Kansas, at the November 2, 2004, general election. It shall take effect when and only if approved by a majority of the electors voting thereon.

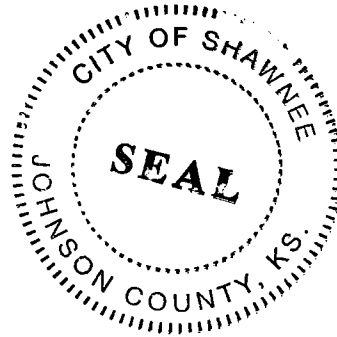
SECTION 8. Recording. Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

PASSED by the Governing Body by not less than two-thirds of the members elect voting in favor thereof, this 26th day of July, 2004.



Jeff Meyers, Mayor

ATTEST:



Vicki Charlesworth, City Clerk



APPROVED AS TO FORM:


Marvin E. Rainey, City Attorney

I hereby certify that the foregoing is the original Charter Ordinance; that said Charter Ordinance was passed on this 26th day of July, 2004; that the record of the final vote on its passage is found on page 10145 of Journal No. 56; and that it was published in an official City newspaper on the 5th day of August, 2004, and the 12th day of August, 2004.


Vicki Charlesworth, City Clerk

I hereby certify that said Charter Ordinance was submitted to and approved by the majority of the electors voting on November 2, 2004 as certified by the Johnson County Election Commissioner on the attached certification of election form.


Vicki Charlesworth, City Clerk

CITY OF SHAWNEE, KANSAS

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(First Published in The Shawnee Journal Herald on August 5th, 2004)

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11004 Johnson Drive
Shawnee, KS 66203

AFFIDAVIT OF PUBLICATION

STATE OF Kansas, Johnson County, ss:

Liberty Group Publishing-Kansas Holdings Inc., being first duly sworn, deposes and says that it is the publisher of the Journal Herald, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas with the general paid circulation on a weekly basis in Johnson County, Kansas and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published weekly at least fifty times a year, has been published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of said notice, and has been admitted to the post office of Shawnee Mission, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 2 consecutive weeks, the first publication thereof being made as aforesaid on the 5th day of August 2004 with subsequent publications being made on the following dates:

August 12, 2004
_____, 20____
_____, 20____
_____, 20____
_____, 20____
_____, 20____

Joseph H. Keefhaver

Subscribed and sworn to before me this 13th day of August, 2004

Notary Public in and for
The State of Kansas

My commission expires

July 20, 2008

D. M. Zule

Notary Fee

Printers Fee

Total Charge \$ 284.16

Johnson County Election Office



Connie Schmidt
Election Commissioner

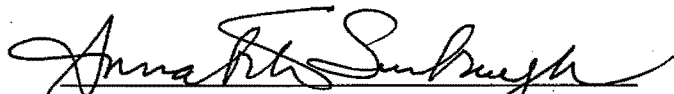
STATE OF KANSAS

SS:

COUNTY OF JOHNSON

We, the undersigned, Johnson County, Kansas Board of County Canvassers, in and for said County, do hereby certify that this is a correct statement of votes cast at the November 2, 2004, General Election held in Johnson County, Kansas, said election duly canvassed by us according to Kansas law.

IN TESTIMONY WHEREOF, we have hereunto set our hand and official seal this 8th day of November, A.D. 2004.

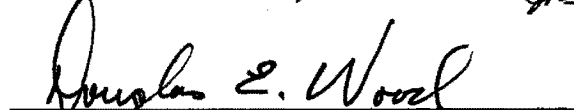

Annabeth Surbaugh, Chairman

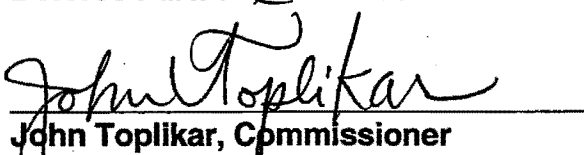

C. Edward Peterson, Commissioner

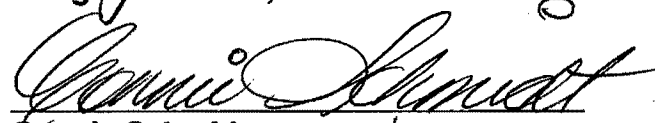

Susie Wolf, Commissioner

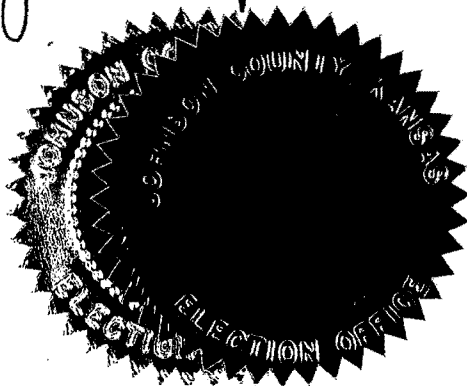

David A. Lindstrom, Commissioner


Dolores Furtado, Commissioner


Douglas E. Wood, Commissioner


John Toplikar, Commissioner


Connie Schmidt
Election Commissioner



Statement of Votes Cast
2004 Fall General

Date:11/09/04

Time:10:25:03

Page:1 of 1

SOVC For Shawnee, All Counters, City of Shawnee Question
Official Final Results
Voter Turnout: 259,599
75%

	CITY OF SHAWNEE QUESTION NO. 2			CITY OF SHAWNEE QUESTION NO. 3			CITY OF SHAWNEE QUESTION NO. 4		
	Total Votes	YES	NO	Total Votes	YES	NO	Total Votes	YES	NO
Jurisdiction Wide									
Shawnee 1-01	916	509	407	909	484	425	915	589	326
Shawnee 1-02	662	415	247	654	339	315	658	449	209
Shawnee 1-03	564	327	237	559	295	264	567	352	215
Shawnee 1-04	1025	694	331	1004	572	432	1018	709	309
Shawnee 1-05	914	582	332	892	497	395	900	626	274
Shawnee 1-06	817	549	268	806	481	325	817	596	221
Shawnee 1-07	774	480	294	753	393	360	768	491	277
Shawnee 1-08	936	575	361	922	476	446	923	594	329
Shawnee 1-09	287	177	110	283	142	141	283	184	99
Shawnee 2-01	441	271	170	435	232	203	437	303	134
Shawnee 2-02	688	413	275	682	345	337	685	439	246
Shawnee 2-03	667	369	298	658	338	320	663	424	239
Shawnee 2-04	932	570	362	922	468	454	931	606	325
Shawnee 2-05	165	86	79	163	80	83	164	97	67
Shawnee 2-06	628	377	251	617	356	261	624	421	203
Shawnee 2-07	451	266	185	440	214	226	444	279	165
Shawnee 2-08	515	298	217	507	257	250	507	315	192
Shawnee 2-09	392	240	152	382	225	157	384	259	125
Shawnee 2-10	485	264	221	475	260	215	484	322	162
Shawnee 3-01	546	377	169	536	322	214	542	414	128
Shawnee 3-02	553	395	158	547	338	209	549	405	144
Shawnee 3-03	867	528	339	866	453	413	868	594	274
Shawnee 3-04	637	440	197	621	342	279	633	470	163
Shawnee 3-05	662	385	277	649	319	330	657	374	283
Shawnee 3-06	860	534	326	836	428	408	850	569	281
Shawnee 3-07	1260	842	418	1228	648	580	1250	886	364
Shawnee 3-08	0	0	0	0	0	0	0	0	0
Shawnee 3-09	355	237	118	352	183	169	354	224	130
Shawnee 3-10	951	611	340	939	513	426	940	649	291
Shawnee 3-11	766	521	245	744	392	352	756	514	242
Shawnee 3-12	850	579	271	828	450	378	839	618	221
Shawnee 3-13	1334	842	492	1317	640	677	1331	860	471
Shawnee 4-01	1113	687	426	1093	633	460	1103	789	314
Shawnee 4-02	625	390	235	619	349	270	622	414	208
Shawnee 4-03	777	476	301	766	401	365	777	502	275
Shawnee 4-04	609	370	239	594	261	333	603	376	227
Shawnee 4-05	769	496	273	751	420	331	756	513	243
Shawnee 4-06	621	356	265	610	334	276	615	377	238
Shawnee 4-07	1002	652	350	966	552	414	974	728	246
Shawnee 4-08	305	188	117	298	159	139	300	225	75
Total	27721	17368	10353	27223	14591	12632	27491	18556	8935
Municipality									
Shawnee	27721	17368	10353	27223	14591	12632	27491	18556	8935
Total	27721	17368	10353	27223	14591	12632	27491	18556	8935
Township									
No Matching District	27721	17368	10353	27223	14591	12632	27491	18556	8935
Total	27721	17368	10353	27223	14591	12632	27491	18556	8935