

RESOLUTION NO. 2009-10

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A QUESTION SUBMITTED ELECTION IN THE CITY OF BALDWIN CITY, KANSAS FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE SPECIAL QUESTION OF IMPOSING AND CONTINUING A SPECIAL ONE-HALF PERCENT (.50%) CITY-WIDE SALES TAX FOR THE PURPOSE OF PAYING THE COSTS OF PUBLIC INFRASTRUCTURE PROJECTS IN THE CITY, INCLUDING THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS ISSUED BY OR ON BEHALF OF THE CITY TO FINANCE ANY SUCH PROJECTS, AND THE SPECIAL QUESTION OF IMPOSING A NEW SPECIAL ONE-QUARTER PERCENT (.25%) CITY-WIDE SALES TAX FOR THE PURPOSE OF PAYING THE COSTS OF QUALITY OF LIFE PROJECTS IN THE CITY, INCLUDING THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS ISSUED BY OR ON BEHALF OF THE CITY TO FINANCE ANY SUCH PROJECTS; 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 of any Kansas city to submit to the electors of such city the question of imposing a city-wide retailers' sales tax; and

WHEREAS, pursuant to the Act, the City of Baldwin City, Kansas (the "City") currently imposes a one-half percent (.50%) city-wide retailers' sales tax (the "Existing Sales Tax") for the purpose of financing the construction of a swimming pool facility in the City (the "Pool Project"); and

WHEREAS, the Existing Sales Tax is to expire upon the payment of all costs associated with the Pool Project (the "Expiration Date"); and

WHEREAS, the governing body has determined that the Expiration Date will occur on March 31, 2010; and

WHEREAS, the governing body deems it necessary and advisable to authorize and provide for the calling of an election in the City for the purpose of submitting to the qualified electors of the City the special question of continuing the Existing Sales Tax by imposing a special one-half percent (.50%) City-wide retailers sales tax (the "Infrastructure Sales Tax") for the purpose of paying the costs of general public infrastructure improvements in the City, including street, bridge, storm drainage, equipment and public facility improvements, and also including the payment of principal and interest on bonds issued or to be issued by or on behalf of the City to finance such improvements; and

WHEREAS, the governing body further deems it necessary and advisable to authorize and provide for the calling of an election in the City for the purpose of submitting to the qualified electors of the City the special question of imposing a new special one-quarter percent (.25%) City-wide retailers sales tax (the "Quality of Life Sales Tax") for the purpose of paying the costs of general quality of life improvements in

the City, including library, parks and recreation facility improvements, and also including the payment of principal and interest on bonds issued or to be issued by or on behalf of the City to finance such improvements; and

WHEREAS, the Infrastructure Sales Tax shall be a general purpose sales tax under the Act, with collection of the Infrastructure Sales Tax to commence on April 1, 2010, upon expiration of the Existing Sales Tax; and

WHEREAS, the Quality of Life Sales Tax shall be a general purpose sales tax under the Act, with collection of the Quality of Life Sales Tax to commence on April 1, 2010; and

WHEREAS, in order to authorize the Infrastructure Sales Tax and the Quality of Life Sales Tax, it is deemed advisable to call an election in the City to be held on November 3, 2009.

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

SECTION 1. The implementation of the Infrastructure Sales Tax shall not be authorized unless a majority of the qualified electors of the City voting on the special proposition shall vote in favor thereof at an election to be held in the City for that purpose. The implementation of the Quality of Life Sales Tax shall not be authorized unless a majority of the qualified electors of the City voting on the special proposition shall vote in favor thereof at an election to be held in the City for that purpose.

SECTION 2. It is hereby authorized, ordered and directed that an election shall be and is hereby called to be held in the City on November 3, 2009, at which time there shall be submitted to the qualified electors of the City the following special propositions:

Proposition No. 1

Shall the following be adopted?

Shall the City of Baldwin City, Kansas, be authorized to impose a one-half percent (.50%) city-wide retailers' sales tax for the purpose of paying the costs of general public infrastructure improvements in the City, including street, bridge, storm drainage, equipment and public facility improvements, and also including the payment of principal and interest on bonds issued or to be issued by or on behalf of the City to finance such improvements, with collection of such sales tax to commence upon expiration of a current one-half percent (.50%) city-wide swimming pool sales tax, on April 1, 2010; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

Proposition No. 2

Shall the following be adopted?

Shall the City of Baldwin City, Kansas, be authorized to impose a new one-quarter percent (.25%) city-wide retailers' sales tax for the purpose of paying the costs of general quality of life improvements in the City, including library, parks and recreation facility improvements, and also including the payment of principal and interest on bonds issued or to be issued by or on behalf of the City to finance such improvements, with collection of

such sales tax to commence on April 1, 2010; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

SECTION 3. The vote at said question submitted election shall be by ballot, and the special propositions stated above shall be printed on the ballot, together with voting instructions as provided by law.

SECTION 4. The Clerk of Douglas County, Kansas shall give notice of the question submitted election as provided by law by publishing a Notice of Question Submitted 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 question submitted election, and the last publication being not more than forty-five (45) days prior to the date of the question submitted election.

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ADOPTED by the Governing Body, and signed by the Mayor, of the City of Baldwin City, Kansas, on August 24, 2009.



Paul Wagner

Mayor

Mary S. Hagem

Clerk