

RESOLUTION NO. 7083 B

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF LAWRENCE, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE PROPOSITION OF LEVYING A SPECIAL TWO-TENTHS OF ONE PERCENT (0.20%) RETAILERS' SALES TAX IN THE CITY, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING AND EQUIPPING A POLICE FACILITY AND RELATED PARKING AND INFRASTRUCTURE IMPROVEMENTS THEREFOR

WHEREAS, K.S.A. 12-187 et seq., and amendments thereto (the "Act"), authorizes the Governing Body of the City of Lawrence, Kansas, to submit to the qualified electors of the City the question of levying a retailers' sales tax to be collected by the State Department of Revenue with revenue therefrom returned to this City;

WHEREAS, the Governing Body has determined that additional revenue is needed to construct and equip a new facility for the Lawrence, Kansas Police Department, associated parking and infrastructure improvements and related appurtenances thereto (the "Project");

WHEREAS, in order to pay the costs of the Project and the interest on any general obligation bonds issued to finance the Project, the Governing Body hereby deems it advisable to impose a two-tenths of one percent (0.20%) retailers' sales tax (the "Police Facility Sales Tax"), provided that the imposition of the Police Facility Sales Tax is approved by a majority of the electors of the City voting at the November 4, 2014, election wherein such question is submitted to such electors;

WHEREAS, the Police Facility Sales Tax, if approved by the electors, shall be used solely for the purpose of paying the costs of the Project and the interest on any general obligation bonds issued to finance the Project and shall commence and terminate in accordance with the provisions of this Resolution hereinafter set forth; and

WHEREAS, if approved, the Police Facility Sales Tax will constitute a sales tax imposed for special 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 LAWRENCE, KANSAS:

SECTION ONE: The recitals set forth above are incorporated herein by reference as if fully set forth. Collection of the Police Facility Sales Tax, if approved by the electors of the City, shall commence on April 1, 2015, or as soon thereafter as permitted by the Act, and shall terminate upon payment of all principal, interest, issuance costs, and other fees and expenses associated with the financing, constructing, and equipping of the Project or after nine (9) years from the date such tax is first collected, whichever shall occur first. All proceeds of the Police Facility Sales Tax shall be applied for the purposes set forth herein; 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 Police Facility Sales Tax.

SECTION TWO: It is hereby authorized, ordered and directed that, pursuant to the Act, a special question election shall be held and hereby called by the Governing Body of the City,

in the manner prescribed by law, to be held in conjunction with the general election on November 4, 2014, 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 Lawrence, Kansas, be authorized to impose a two-tenths of one percent (0.20%) citywide retailers' sales tax (the "Sales Tax"), the proceeds of which shall be used only to finance construction and equipping of a new facility for the Lawrence, Kansas Police Department, associated parking and infrastructure improvements, and related appurtenances thereto (collectively the "Project"), and the interest on any general obligation bonds issued to finance the Project, which bonds shall be issued in a principal amount not to exceed \$24,200,000.00 plus costs of issuance and interest on any temporary financing, the collection of the Sales Tax to commence on April 1, 2015, or as soon thereafter as permitted by law, and to terminate upon payment of all principal, interest, and other fees and expenses associated with the financing, constructing, and equipping of the Project or after nine (9) years from the date such tax is first collected, whichever shall occur first; all pursuant to K.S.A. 12-187 *et seq.*, as amended?

SECTION THREE: If approved by a majority of the electors voting thereon, such tax shall 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 FOUR: If the Police Facility Sales Tax is approved by a majority of the electors voting thereon, the City is hereby authorized to issue its general obligation bonds and/or temporary notes pursuant to Article 12, Section 5(a) of the Constitution of the State of Kansas and Charter Ordinance No. 40, in a principal amount not to exceed \$24,200,000.00 plus costs of issuance and interest on any temporary financing, all to pay the costs of the Project. Such bonds are expected to be paid from proceeds of the Police Facility Sales Tax, but such Police Facility Sales Tax will not be pledged to repayment of the general obligation bonds unless the governing body of the City complies with all applicable notice and protest requirements contained in K.S.A. 12-195b and K.S.A. 12-197, as applicable. Any general obligation bonds and/or temporary notes issued under the authority of this Resolution may be used to reimburse expenditures made on or after the date that is 60 days before the date of adoption of this Resolution pursuant to U.S. Treasury Regulation §1.150-2.

SECTION FIVE: The City Clerk and the County Clerk of Douglas County shall 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***.

Adopted by the Governing Body of the City of Lawrence, Kansas, this ____ day of _____, 2014.

Mike Amyx, Mayor

ATTEST:

Diane Trybom, Acting City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

EXHIBIT A

(First published in the *Lawrence Journal-World* on _____,
and subsequently on _____)

**NOTICE OF SPECIAL QUESTION ELECTION
THE CITY OF LAWRENCE, KANSAS**

Notice is hereby given to the qualified electors of the City of Lawrence, Kansas (the "City") that a special question election has been called and will be held on November 4, 2014, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Lawrence, Kansas, be authorized to impose a two-tenths of one percent (0.20%) citywide retailers' sales tax (the "Sales Tax"), the proceeds of which shall be used only to finance construction and equipping of a new facility for the Lawrence, Kansas Police Department, associated parking and infrastructure improvements, and related appurtenances thereto (collectively the "Project"), and the interest on any general obligations bonds issued to finance the Project, which bonds shall be issued in a principal amount not to exceed \$24,200,000.00 plus costs of issuance and interest on any temporary financing, the collection of the Sales Tax to commence on April 1, 2015, or as soon thereafter as permitted by law, and to terminate upon payment of all principal, interest, and other fees and expenses associated with the financing, constructing, and equipping of the Project or after nine (9) years from the date such tax is first collected, whichever shall occur first; all pursuant to K.S.A. 12-187 *et seq.*, as amended?

IT IS IMPORTANT FOR EACH QUALIFIED VOTER TO NOTE THAT YOUR BALLOT CANNOT BE COUNTED UNLESS YOU TAKE THE APPROPRIATE STEPS:

To vote in favor of any question submitted on this ballot, completely darken the oval to the left of the word "YES" on the paper ballot. To vote against it, completely darken the oval to the left of the word "NO" on the paper ballot.

YES
 NO

The polls will open at 7:00 A.M. and will close at 7:00 P.M., on November 4, 2014, 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

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 of Douglas County, Kansas, set forth below pursuant to K.S.A. 25-1117 *et seq.*

ADDITIONAL INFORMATION

General

The following additional information is provided by the City with respect to the effect of this ballot proposition. Passage of this ballot proposition would authorize the City to impose a two-tenths of one percent (0.20%) citywide retailers' sales tax (the "Sales Tax"), the proceeds of which shall be used to finance construction and equipping of a new facility for the Lawrence, Kansas Police Department, associated parking and infrastructure improvements and related appurtenances thereto (collectively the "Project"), and the interest on any general obligation bonds issued to finance the Project. If approved, the collection of the Sales Tax would commence on April 1, 2015 or as soon thereafter as permitted by law and would terminate upon payment of all principal, interest, and other fees and expenses associated with the financing, constructing, and equipping of the Project or after nine (9) years from the date such tax is first collected, whichever shall occur first.

ELECTION INFORMATION

The election officer conducting the election will be the County Clerk of Douglas County, Kansas, whose address is: 1100 Massachusetts Street, First Level, Lawrence, KS 66044.

DATED: _____, 2014.

Jameson D. Shew, County Clerk
Douglas County, Kansas