

RESOLUTION NO. 2012-__

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A QUESTION SUBMITTED ELECTION IN THE CITY OF AUGUSTA, KANSAS FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE SPECIAL QUESTION OF IMPOSING A GENERAL PURPOSE ONE PERCENT (1.0%) CITY-WIDE SALES TAX FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN PUBLIC WATER SYSTEM INFRASTRUCTURE, ECONOMIC DEVELOPMENT AND CAPITAL EQUIPMENT PROJECTS OF THE CITY; 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 Augusta, Kansas (the "City") currently imposes a one percent (1.00%) City-wide retailers' sales tax and, subject to the foregoing election requirement, is empowered by the Act to impose general purpose sales taxes in an additional amount of at least one percent (1.00%); and

WHEREAS, the governing body deems it advisable to authorize and provide for the calling of a special question election in the City for the purpose of submitting to the qualified electors of the City the question of imposing a one percent (1%) City-wide retailers' sales tax (the "Sales Tax"), the revenue from which will be applied as follows: (1) 90% of such tax applied to pay the costs of public water system improvements to serve the City, including, but not limited to, the replacement of raw water lines, upgrade of water treatment plant, development of a new source of water, and related improvements; and (2) 10% of such tax applied to the City General Fund expenditures; and

WHEREAS, the governing body finds and determines that the Sales Tax would be a general purpose sales tax under the Act; and

WHEREAS, in order to authorize the Sales Tax, it is deemed advisable to call a special question election in the City to be held on November 6, 2012.

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

SECTION 1. It is necessary and advisable, pursuant to the Act, to institute the Sales Tax. Collection of the Sales Tax shall commence on April 1, 2013, or such other date as required or permitted by law.

SECTION 2. The implementation of the 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 3. It is hereby authorized, ordered and directed that an election shall be and is hereby called to be held in the City on November 6, 2012, at which time there shall be submitted to the qualified electors of the City the following special proposition:

Shall the following be adopted?

Shall the City of Augusta, Kansas, be authorized to impose a one percent (1.0%) city-wide retailers' sales tax, with (1) 90% of such tax applied to pay the costs of public water system improvements to serve the City, including, but not limited to, the replacement of raw water lines, upgrade of water treatment plant, development of a new source of water, and related improvements; and (2) 10% of such tax applied to the City General Fund expenditures; with collection of such sales tax to commence on April 1, 2013; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, and K.S.A. 10-101 *et seq.*, as amended?

SECTION 4. The vote at said question submitted election shall be by ballot, and the special proposition stated above shall be printed on the ballot, together with voting instructions as provided by law.

SECTION 5. The Clerk of Butler 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 ninety (90) days prior to the date of the question submitted election.

(REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK)

ADOPTED by the Governing Body, and signed by the Mayor, of the City of Augusta, Kansas, on September 4, 2012.

(SEAL)

Mayor

ATTEST:

Clerk

EXHIBIT A

(First published in the *Augusta Gazette*, on _____, 2012 and subsequently on _____, 2012).

NOTICE OF QUESTION SUBMITTED SPECIAL ELECTION
CITY OF AUGUSTA, KANSAS

The Governing Body of the City of Augusta, Kansas (the "City"), has heretofore, pursuant to resolution duly adopted, declared it advisable to continue to impose a sales tax, the revenue from which will be applied as follows: (1) 90% of such tax applied to pay the costs of public water system improvements to serve the City, including, but not limited to, the replacement of raw water lines, upgrade of water treatment plant, development of a new source of water, and related improvements; and (2) 10% of such tax applied to the City General Fund expenditures. Notice is hereby given to the qualified electors of the City that an election has been called and will be held on November 6, 2012, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Augusta, Kansas, be authorized to impose a one percent (1.0%) city-wide retailers' sales tax, with (1) 90% of such tax applied to pay the costs of public water system improvements to serve the City, including, but not limited to, the replacement of raw water lines, upgrade of water treatment plant, development of a new source of water, and related improvements; and (2) 10% of such tax applied to the City General Fund expenditures; with collection of such sales tax to commence on April 1, 2013; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, and K.S.A. 10-101 *et seq.*, as amended?

To vote in favor of the 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 November 6, 2012, the election day. The voting places in the City, and the area each voting place will serve, will be as follows:

Voters Residing In

Will Vote At

The election will be conducted by the officers and/or persons provided by law for holding

STATE OF KANSAS
OFFICIAL BALLOT

CITY OF AUGUSTA, KANSAS

November 6, 2012

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 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."

SHALL THE FOLLOWING BE ADOPTED?

SHALL THE CITY OF AUGUSTA, KANSAS, BE AUTHORIZED TO IMPOSE A ONE PERCENT (1.0%) CITY-WIDE RETAILERS' SALES TAX, WITH (1) 90% OF SUCH TAX APPLIED TO PAY THE COSTS OF PUBLIC WATER SYSTEM IMPROVEMENTS TO SERVE THE CITY, INCLUDING, BUT NOT LIMITED TO, THE REPLACEMENT OF RAW WATER LINES, UPGRADE OF WATER TREATMENT PLANT, DEVELOPMENT OF A NEW SOURCE OF WATER, AND RELATED IMPROVEMENTS; AND (2) 10% OF SUCH TAX APPLIED TO THE CITY GENERAL FUND EXPENDITURES; WITH COLLECTION OF SUCH SALES TAX TO COMMENCE ON APRIL 1, 2013; ALL PURSUANT TO THE PROVISIONS OF K.S.A. 12-187 *ET SEQ.*, AND K.S.A. 10-101 *ET SEQ.*, AS AMENDED?

YES

NO