

**EXCERPT OF MINUTES OF A MEETING
OF THE CITY COUNCIL OF
THE CITY OF WASHINGTON, KANSAS
HELD ON FEBRUARY 2, 2009**

The City Council met in regular session at 7:00 p.m. at the usual meeting place in the City. The Mayor presided and the following City Council members were present:

The following Council Members were absent:

Thereupon, and among other business, a Resolution was presented entitled:

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF WASHINGTON, KANSAS FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE PERCENT (1%) CITY-WIDE SALES TAX FOR GENERAL PURPOSES; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL QUESTION ELECTION.

Thereupon, on motion of Council Member _____, seconded by Council Member _____, the Resolution was adopted by the following roll call vote:

Aye: _____.

Nay: _____.

Thereupon, a majority of the City Council having voted in favor of the Resolution, it was declared duly adopted and the Resolution was then duly numbered Resolution No. ____; and was directed to be signed by the Mayor and attested by the Clerk. The Clerk was further directed to take all action necessary to proceed with calling said special question election in the manner prescribed by law.

(SEAL)

Clerk

RESOLUTION NO. 2009-3

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF WASHINGTON, KANSAS FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE PERCENT (1%) CITY-WIDE SALES TAX FOR GENERAL PURPOSES; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL QUESTION 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, the City of Washington, Kansas (the "City") currently imposes no City-wide retailers' sales tax and, subject to the foregoing election requirement, is empowered by the Act to impose a general sales tax in an amount not exceeding two percent (2.00%); and

WHEREAS, the City Council (the "Council"), 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 to finance the costs of a City swimming pool project, as well as street and other general public infrastructure projects of the City; and

WHEREAS, the City Council 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 April 7, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, 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 October 1, 2009.

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 proposition shall vote in favor thereof at a special question election to be held in the City for that purpose.

SECTION 3. It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on April 7, 2009, 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 Washington, Kansas, be authorized to impose a one percent (1%) City-wide general purpose retailers' sales tax, the revenue from which will be applied to finance the costs of a City swimming pool project, as well as street and other general public infrastructure projects of the City, with collection of such sales tax to commence on October 1, 2009, all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

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

SECTION 5. The Clerk of Washington County, Kansas 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* 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 special question election, and the last publication being not more than forty-five (45) days prior to the date of the special question election.

(REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK)

ADOPTED by the City Council of the City of Washington, Kansas, on February 2, 2009.

(SEAL)

Mayor

ATTEST:

Clerk

EXHIBIT A

(Published in the *Washington County News*, on March ___, 2009 and on March ___, 2009).

**NOTICE OF SPECIAL QUESTION ELECTION
CITY OF WASHINGTON, KANSAS**

The City Council of the City of Washington, Kansas, has heretofore, pursuant to resolution duly adopted, declared it advisable to impose sales tax for general purposes. Notice is hereby given to the qualified electors of the City that a special question election has been called and will be held on April 7, 2009, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Washington, Kansas, be authorized to impose a one percent (1%) City-wide general purpose retailers' sales tax, the revenue from which will be applied to finance the costs of a City swimming pool project, as well as street and other general public infrastructure projects of the City, with collection of such sales tax to commence on October 1, 2009, all pursuant to the provisions of K.S.A. 12-187 *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 April 7, 2009, 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 elections, and the method of voting will be by ballot. Registered voters are eligible to vote by advance voting ballot upon application to the Washington County Clerk at the address set forth below pursuant to K.S.A. 25-1117.

ADDITIONAL INFORMATION

The following additional information is provided by the City with respect to the aforementioned sales tax proposition. This information has been obtained from sources deemed reliable by the City and is based upon projections. No assurances can be given that these projections will be accurate due to changing conditions, and other matters unknown or unavailable at this time.

Projected Annual Revenues of 1% City-Wide Retailers' Sales Tax

\$130,000

(based on Kansas Department of Revenue data)

The governing body of the City has found and determined that the aforementioned sales tax would be a general purpose sales tax under K.S.A. 12-187 *et seq.*

The election officer conducting the election will be the Clerk of Washington County, Kansas, whose address is 214 C Street, Washington, Kansas 66968.

DATED _____.

(Seal)

Ms. Louella Kern
County Clerk
Washington County, Kansas

BALLOT CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF WASHINGTON)

I, County Clerk of Washington County, Kansas, do hereby certify that attached below is a true and correct copy of the ballot label used at the special question election held on April 7, 2009, in the City of Washington, Kansas on the proposition set forth in the ballot; and that the judges and clerks duly qualified by taking their respective oaths before assuming their duties at the election.

WITNESS my hand and official seal on April 7, 2009.

(Seal)

Ms. Louella Kern
County Clerk
Washington County, Kansas

[affix copy of ballot label]

**STATE OF KANSAS
OFFICIAL BALLOT**

CITY OF WASHINGTON, KANSAS

APRIL 7, 2009

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 WASHINGTON, KANSAS, BE AUTHORIZED TO IMPOSE A ONE PERCENT (1%) CITY-WIDE GENERAL PURPOSE RETAILERS' SALES TAX, THE REVENUE FROM WHICH WILL BE APPLIED TO FINANCE THE COSTS OF A CITY SWIMMING POOL PROJECT, AS WELL AS STREET AND OTHER GENERAL PUBLIC INFRASTRUCTURE PROJECTS OF THE CITY, WITH COLLECTION OF SUCH SALES TAX TO COMMENCE ON OCTOBER 1, 2009, ALL PURSUANT TO THE PROVISIONS OF K.S.A. 12-187 *ET SEQ.*, AS AMENDED?

YES

NO

**STATE OF KANSAS
OFFICIAL BALLOT**

CITY OF WASHINGTON, KANSAS

QUESTION SUBMITTED

SALES TAX ELECTION

APRIL 7, 2009

CITY OF WASHINGTON, KANSAS

CERTIFICATION OF CANVASS OF VOTES

STATE OF KANSAS)
) ss:
COUNTY OF WASHINGTON)

I, the undersigned Clerk of Washington County, Kansas, do hereby certify that the following are the true and correct results according to the abstract of votes cast at the special question election held on April 7, 2009, in City of Washington, Kansas, on the following proposition:

Shall the following be adopted?

Shall the City of Washington, Kansas, be authorized to impose a one percent (1%) City-wide general purpose retailers' sales tax, the revenue from which will be applied to finance the costs of a City swimming pool project, as well as street and other general public infrastructure projects of the City, with collection of such sales tax to commence on October 1, 2009, all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

as shown by the returns of said election which are on file in the Office of the Clerk and canvassed as provided by law:

Yes..... _____
No _____
Void..... _____
Total Vote..... _____

WITNESS my hand and official seal on April ____, 2009.

(Seal)

Ms. Louella Kern, County Clerk
Washington County, Kansas