

(First published in *The Southwest Daily Times* on September 12, 1995 and subsequently on September 19, 1995 and September 26, 1995.)

#### CHARTER RESOLUTION NO. 95-08

**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL ELECTION IN SEWARD COUNTY, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE COUNTY THE QUESTION OF IMPOSING A SPECIAL ONE-HALF PERCENT (½ %) COUNTYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE COUNTY'S LAW ENFORCEMENT CENTER FACILITY; AUTHORIZING THE ISSUANCE OF REVENUE BONDS PAYABLE FROM AND SECURED BY THE PROCEEDS OF SUCH SALES TAX; AND EXEMPTING COUNTY TAX LEVIES MADE FOR OPERATION AND MAINTENANCE EXPENSES OF SUCH LAW ENFORCEMENT CENTER FACILITY FROM THE PROVISIONS OF THE AGGREGATE TAX LEVY LIMITATIONS IMPOSED BY K.S.A. 79-5021 *et seq.*,**

**WHEREAS**, K.S.A. 12-187 *et seq.*, as amended by Chapter 246 of 1995 Kansas Session Laws, (the "Act") authorizes the Board of County Commissioners (the "Board") of Seward County, Kansas (the "County") to submit to the electors of the County the question of imposing a Countywide retailers' sales tax for the purpose of financing the construction or remodeling of the County's law enforcement center facility, which includes the courthouse, jail and other County administrative offices (the "Facility"), which sales tax shall expire when funds have been collected to pay all costs incurred with the financing of such construction or remodeling; and

**WHEREAS**, the Act also authorizes the County to issue bonds to finance such construction or remodeling, which bonds are payable from and secured by the proceeds of such sales tax; and

**WHEREAS**, the Board deems it advisable to construct improvements to and provide for remodeling the Facility by the construction of an addition to be used for inmate detention space, and to remodel existing space to be used for court rooms and administrative offices for various County personnel, and all necessary appurtenances thereto (jointly the "Project"); and

**WHEREAS**, in order to finance the costs of the Project, the Board deems it advisable to provide for the calling of a special election in the County for the purpose of submitting to the qualified electors of the County the question of imposing a special one-half percent (½ %) Countywide retailers' sales tax (the "Sales Tax") and to issue revenue bonds of the County, payable from and secured by the proceeds of the Sales Tax; and

**WHEREAS**, in order to provide for the payment of additional operating and maintenance expenses of the Facility incurred by construction of the Project, it is necessary to exempt taxes levied therefore by the County from the provisions of the aggregate tax levy limitations imposed by K.S.A. 79-5021 *et seq.* (the "Tax Lid") pursuant to the provisions of K.S.A. 79-5036 and K.S.A. 19-101b; and

**WHEREAS**, the Board deems it advisable to submit such exemption directly to the electors of the County in the manner prescribed by K.S.A. 19-101b; and

**WHEREAS**, in order to authorize such Sales Tax, the issuance of revenue bonds and provide for the exemption from the Tax Lid, it is deemed advisable to call a special election in the County to be held on October 24, 1995.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEWARD COUNTY, KANSAS:**

**SECTION 1.** It is hereby deemed necessary and advisable to construct the Project at an estimated cost of \$6,210,000.

**SECTION 2.** In order to pay the costs of the Project and to fund associated reserves and financing costs, it is necessary and advisable pursuant to the authority of the Act to institute a Sales Tax and issue revenue bonds of the County, payable from and secured by the Sales Tax, in an amount not to exceed \$7,000,000 (the "Bonds"). Collection of the Sales Tax shall commence on January 1, 1996 and shall expire when all costs associated with the financing of the Project, including the repayment of the Bonds, shall have been paid.

**SECTION 3.** The Board deems it necessary to exempt taxes levied to pay operation and maintenance expenses of the Facility from the Tax Lid pursuant to the provisions of K.S.A. 79-5036 and K.S.A. 19-101b. This resolution shall constitute a "charter resolution" as said term is referred to in K.S.A. 19-101b.

**SECTION 4.** The implementation of the Sales Tax, the issuance of the Bonds and the exemption from the Tax Lid shall not be effective unless a majority of the qualified electors of the County voting on the proposition shall vote in favor thereof at a special election to be held in the County for that purpose.

**SECTION 5.** It is hereby authorized, ordered and directed that a special election shall be and is hereby called to be held in the County on October 24, 1995, at which time there shall be submitted to the qualified electors of the County the following proposition:

Shall the following be adopted?

Shall Seward County, Kansas, be authorized to: (i) impose a one-half percent (1/2 %) retailers' sales tax for the purpose of financing construction of improvements to and provide for remodeling of the County's law enforcement facility, collection of such sales tax to commence on January 1, 1996, and shall expire upon the payment of all costs incurred in the financing of such construction and remodeling (including the retirement of any revenue bonds issued and payable from such sales tax); (ii) issue revenue bonds payable from and secured by such sales tax, in an amount not to exceed \$7,000,000, which revenue bonds will **not** be general obligations of the County payable from ad valorem taxation; and (iii) allow Charter Resolution No. 95-08 of the County to become effective to exempt tax levies made for payment of operation and maintenance expenses of such law enforcement facility from the aggregate tax levy limitations imposed by K.S.A. 79-5021 to 79-5033; all pursuant to the authority of K.S. A. 12-187 *et seq.*, as amended, specifically including Chapter 246 of the 1995 Session Laws of Kansas; K.S.A. 79-5036 and K.S.A. 19-101b, as amended?

**SECTION 6.** The vote at said special election, shall be by ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law.

**SECTION 7.** This Resolution shall be published once each week for three consecutive weeks in the official County newspaper, and the exemption from the Tax Lid contained in *Section 3* hereof shall not be effective until approved by a majority of the electors voting on the proposition hereinbefore set forth.

**SECTION 8.** The County Clerk shall give notice of the special election as provided by law by

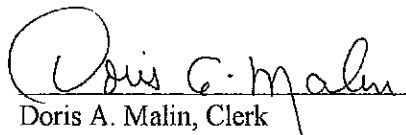
publishing a Notice of Bond Election in substantially the form attached hereto as *Exhibit A* once each week for two (2) consecutive weeks in a newspaper of general circulation in the County, with the first publication to be not less than twenty-one (21) days prior to the date of the special election, and the last publication being not more than forty-five (45) days prior to the date of the special election.

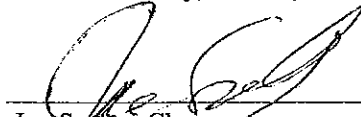
**ADOPTED** by the Board of County Commissioners of Seward County, Kansas, on September 5, 1995.

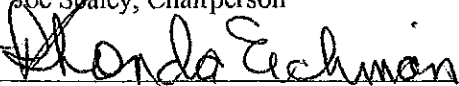


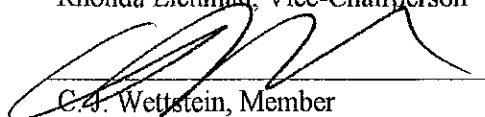
(Seal)

ATTEST:


  
Doris A. Malin, Clerk

  
Joe Spatey, Chairperson

  
Rhonda Eichman, Vice-Chairperson

  
C.J. Wettstein, Member

  
Randy Malin, Member

  
Anna Fay Harrison, Member