

CHARTER ORDINANCE NO. SEVENTY

(Note: All or parts of this charter ordinance have been repealed. See notes at the end of the ordinance.)

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM THE PROVISIONS OF SUBPARAGRAPH (a) OF K.S.A. 12-1697 AND FROM THE PROVISIONS OF SUBPARAGRAPH (e) OF K.S.A. 12-1698, WHICH RELATE TO THE LEVY OF A TRANSIENT GUEST TAX, TO THE MAXIMUM RATE THEREOF, AND TO THE PURPOSES FOR WHICH TRANSIENT GUEST TAX REVENUES MAY BE SPENT; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS; AUTHORIZING THE ISSUANCE OF TRANSIENT GUEST TAX REVENUE BONDS WITHOUT AN ELECTION THEREON; AUTHORIZING EXPENDITURE OF TRANSIENT GUEST TAX REVENUES FOR THE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST ON SALES TAX REVENUE BONDS, TRANSIENT GUEST TAX REVENUE BONDS OR OTHER BONDS ISSUED BY THE CITY FOR CERTAIN PURPOSES; AUTHORIZING A PLEDGE SOLELY AND ONLY OF TRANSIENT GUEST TAX REVENUES TO THE PAYMENT OF TRANSIENT GUEST TAX REVENUE BONDS WITHOUT AN ELECTION THEREON; AND REPEALING CHARTER ORDINANCE NOS. FORTY-TWO AND FORTY-SIX.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. The City of Overland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of Subparagraph (a) of K.S.A. 12-1697 and the provisions of Subparagraph (e) of K.S.A. 12-1698, which relate to the levy of a transient guest tax, to the maximum rate thereof, and to the purposes for which transient guest tax revenues may be spent; hereby provides substitute and additional provisions on the same subjects as set forth herein; hereby authorizes the issuance of transient guest tax revenue bonds without an election thereon; hereby authorizes expenditure of transient guest tax revenues for the purpose of paying the principal and interest on sales tax revenue bonds, transient guest tax revenue bonds or other bonds issued by the City for certain purposes; and hereby authorizes a pledge solely and only of transient guest tax revenues to the payment of transient guest tax revenue bonds without an election thereon. Such referenced statutes are applicable to the City of Overland Park but are not uniformly applicable to all cities in Kansas.

*SECTION 2. The Governing Body of the City of Overland Park, Kansas, is hereby authorized to levy a transient guest tax at a rate not to exceed six percent (6%) upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court. The percentage of such tax shall be determined by the Governing Body and shall be specified in an ordinary ordinance authorizing the same.

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SECTION 3. Revenues received by the City from the transient guest tax shall be expended solely and only for the purpose of promoting activities relating to conventions and tourism; for the purpose of paying all or a part of the cost of designing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging, remodeling, operating and maintaining capital projects relating to conventions and tourism, including, but not limited to real estate, buildings, improvements, furnishings, machinery and equipment for a convention center, exposition hall, public auditorium and related facilities; for the purpose of paying the principal and interest on sales tax revenue bonds, transient guest tax revenue bonds or other bonds issued by the City, the proceeds of which are used to design, acquire, construct, reconstruct, improve, equip, furnish, repair, enlarge and remodel such capital projects; and for the purpose of paying for economic development in an amount up to \$50,000 per year. The revenues received by the City from the transient guest tax shall be credited to such fund or funds of the City and shall be apportioned among the above-listed purposes in an ordinary ordinance.

SECTION 4. The City of Overland Park is hereby authorized to issue transient guest tax revenue bonds for the purpose of paying all or part of the cost of designing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling capital projects relating to conventions and tourism, including, but not limited to, real estate, buildings, improvements, furnishings, machinery and equipment for a convention center, exposition hall, public auditorium and related facilities, and to pledge solely and only transient guest tax revenues to the payment of the transient guest tax revenue bonds, all without an election thereon. In no event shall such bonds be a general obligation of the City of Overland Park, nor constitute an indebtedness of the City of Overland Park for which the faith and credit of the City of Overland Park is pledged, nor give rise to a charge against the general credit or taxing powers of the City of Overland Park, and such bonds shall so state on their face.

SECTION 5. Charter Ordinance No. Forty-Two and Charter Ordinance No. Forty-Six are hereby repealed.

SECTION 6. This ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official City newspaper.

SECTION 7. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OVERLAND PARK EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF OVERLAND PARK DEMANDING AN ELECTION ON THE CHARTER ORDINANCE IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

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PASSED by the Governing Body not less than two-thirds of the members elect voting in favor thereof the 6th day of October, 1997.

Ed Eilert, Mayor

ATTEST:
Norma Moffet
City Clerk

APPROVED AS TO FORM:
Robert J. Watson
City Attorney

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| Passed: | 10/6/97 |
| Published: | 10/8/97 |
| | 10/15/97 |
| Effective: | 12/15/97 |

**Section 2 repealed by Charter Ordinance No. Ninety-One*

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